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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Third and fourth periodic reports of States parties

PERU*

* For the initial report submitted by the Government of Peru see CEDAW/C/5/Add.60; for its consideration by the Committee, see CEDAW/C/SR.163 and CEDAW/C/SR.166 and Official Records of the General Assembly, Forty-fifth Session, Supplement No. 38 (A/45/38), paras. 252-283; for the second periodic report submitted by the Government of Peru, see CEDAW/C/13/Add.29; for its consideration by the Committee, see CEDAW/C/SR.275 and Official Records of the General Assembly, Fiftieth Session, Supplement No. 38 (A/50/38), paras. 398-451.

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I. INTRODUCTION

1. The Government of the Republic of Peru hereby submits its report for the period 1990 to 1994, which describes in detail far-reaching structural reforms carried out since the submission of the previous reports. These reforms concern the country's legal order and are expressed in new legislative, judicial and administrative measures to chart the Nation's future, in conformity with the provisions of the Convention on the Elimination of All Forms of Discrimination against Women.

2. Peru has unswervingly maintained its position in the various national and international fora of total rejection of any type of discrimination against women and of firm support for any initiative aimed at eliminating any form of discrimination.

3. In this line of thinking, the Peruvian State bases itself on equality before the law, with no discrimination whatsoever on grounds of origin, race, sex, language, religion, opinion, economic or any other status. In other words, equitable treatment of women and men, of residents of urban as well as of rural areas, irrespective of their socioeconomic condition.

4. The Peruvian Government's current concerns centre in making it possible for men and women to work together to achieve equality, development and peace.

II. LAND AND PEOPLE

A. General characteristics of the country

5. Peru is located in the southern hemisphere, in the central western part of South America. Its coasts extend along the Pacific Ocean. Since the entire country is located in the tropical zone, its climate should be hot and humid; however, the existence of various geographical accidents and features - the Andes, high-pressure movement of air masses from the South Pacific, Humboldt Current, etc. - makes the Peruvian territory geographically complex, not only from a climatic standpoint, but also from the morphological, geological, ecological and economic standpoints.

6. The total area of Peruvian territory is 1,285,216.60 square kilometres. Peru is bounded to the west by the Pacific Ocean and has a coastline of 3,079.5 kilometres. It is also bounded by five South American countries: Ecuador and Colombia to the north, Brazil and Bolivia to the east, and Chile to the south. Peru respects international law and faithfully complies with the international treaties that lay down its geographical limits.

7. Peru is divided into regions, departments, provinces and districts. According to Supreme Decree No. 071-88-PCM, Single Uniform Text relating to the Fundamental Act on Regionalization, which governs procedures for the creation of regions, the territory of Peru is currently subdivided into 12 regions, 24 departments, 188 provinces and 1,793 districts.

8. The Andes mountain chain, where the Inca empire, one of the three most important cultural manifestations of the region, flourished, creates three natural regions: the coastal strip, the Sierra and the jungle. The highest mountain is Nevado Huascarán, which stands 6,746 metres above sea level.

B. Ethnic and linguistic characteristics

9. Peru is a multi-ethnic country with a population made up of 72.62 per cent Spanish speakers and 27.38 per cent Quechua speakers. Among the latter, approximately 16 per cent are bilingual (Spanish-Quechua), while only 3 per cent speak another indigenous language. The country has between 64 and 67 ethno-linguistic groups.

10. The peasant and native communities number between 4,000 and 4,500. Fifty-three per cent of these communities have Quechua as their mother tongue, 41 per cent Spanish, 4 per cent Aymara and 2 per cent other languages, including indigenous languages of the jungle.

11. Most of the indigenous communities are located in the Sierra region (98.9 per cent), primarily in the departments of Cuzco, Puno and Apurímac in the south and in Ayacucho, Huancavelica, Junín and Pasco in the central area.

12. The more modernized indigenous communities are to be found in the departments of Pasco and Junín, an area noted for its mining enclaves, while the more traditional communities are located in relatively less developed areas, such as Ayacucho, Huancavelica, Apurímac, Cusco and Puno.

13. One of the main features of the indigenous communities is farming. A very important component of this priority economic activity is communal labour performed according to the principle of reciprocity, a form of labour that goes back to the Inca period and consists of an individual and equal exchange of services or goods, including agricultural labour, assistance, lending of tools, materials, etc. It is also customary for one person to be assisted by many, with an obligation to reciprocate; this includes agricultural tasks and cooperation in various economic and social tasks.

14. The native communities are tribal groups in the jungle and jungle rim with clustered[1] or dispersed settlements principally located in the departments of Loreto, Junín, Ucayali, Amazonas, Cusco and Madre de Dios. They represent some 55 ethno-linguistic groups belonging to over 12 linguistic families, the largest being the Campas, Aguaruna and Shipibo-Conibo.

15. The native communities have developed agriculture as an activity to supplement hunting, fishing and gathering.

16. The native communities live in clearly identifiable ecological zones: tropical dry forest, subtropical rain forest and tropical rain forest scattered over large catchment areas. The total or partial plundering of the flora and fauna and the serious effects of drug-trafficking on the environment place the self-defence of these communities at serious risk.

C. Demographic characteristics

17. Population censuses in Peru date back to the Inca period. Subsequently, the first documented census was conducted by the Spaniards during the colonial era in 1548 and indicated a population of 8.3 million in the Viceroyalty of Peru. During the Republican era, national censuses were held in 1836, 1850, 1862 and 1876. The most recent censuses at the national level were conducted in 1940, 1961, 1972, 1981 and 1993.

18. On the basis of the 1981 census, it was estimated that the population of the country would be in the vicinity of 23 million in 1993. According to the preliminary findings of the census held in July 1993, the population was 22,639,443. This figure is made up of the nominally registered population (22,048,356), the population omitted from the register (531,543) and the population of the Native Communities of the Peruvian Amazon, which it is impossible to register on account of difficulties of access and isolation.

19. The urban population is 15,458,599, i.e. 70 per cent of the total, while the nominally registered population of rural towns and villages is 6,589,757, i.e. 29.9 per cent. The 1993 census figures show that Peru's male population is 10,956,375, i.e. 49.7 per cent of the total, and its female population 11,091,981, i.e. 50.3% of the total.

20. The national demographic context between 1970 and 1990 reflected the principal characteristics of the world and regional demographic expansion, with unprecedented growth that reached its highest level at the end of the 1970s. In those two decades the Peruvian population increased by 60 per cent, reaching 21,550,300, slightly less than the Latin American average, at the end of that period. This population volume was attained during a period of the Peruvian demographic process when fertility, which had previously been maintaining high levels, was beginning to decline, causing the rate of population growth to decrease.

21. The most critical stage in this process occurred between 1961 and 1970, when demographic growth speeded up considerably, attaining an annual average rate of 2.8 per cent, higher than the Latin American average, and when, in addition, the highest growth rate in the country's history (2.9 per cent for the period 1961-1966) was attained. From that time on, our population's relative growth rate fell steadily, declining to 2.1 per cent in 1990. Despite this decrease, the total population is continuing to increase, considering that relatively speaking the increase between the 1981 and the 1993 census was 27.5 per cent, owing to the age structure of the population, which has a preponderance of younger age groups.

22. The greatest influence on these changes in the growth of the Peruvian population has undoubtedly been exerted by the variations in the birth and death rates, since emigration acquired relative significance only at the end of the period. The gross birth rate, which was 42.4 births per 1,000 inhabitants in 1970, decreased to 29.8 in 1990, as a result of the drop in the global fertility rate which, until 1970, had been 6.2 children per woman, and which fell to 4.9 in 1980. According to the 1993 census, the average number of live births per woman is 2.2. This figure is lower than in the 1981 census, when it was 2.4.

23. Mortality has been falling in recent decades; between 1970 and 1990 the frequency of deaths declined from 13.5 to 8.2 per 1,000 inhabitants. Similarly, the average life expectancy of our population grew by 9.4 years during that period, life expectancy at birth increasing from 54 years to 63.4 years. The infant mortality rate showed a similar trend, dropping from 116 per 1,000 live births in 1970 to 102 in 1981 and 81 in 1990.

24. It should be noted that, according to recent findings of the Demographic and Family Health Survey (ENDES 1990-1992), the infant mortality trend over the past two decades has been approximately 20 per cent lower than offical projections, which suggests that levels had been overestimated. Nevertheless, infant mortality in Peru is still very high and continues to be above the Latin American average.

25. Despite the decrease in fertility mentioned earlier, the age structure of the Peruvian population will continue to be relatively young for several more years, and the number of minors will continue to increase. From 1970 to 1990 the proportion of minors dropped from 44.7 per cent to 37.6 per cent, a relatively large decrease. According to the 1993 census, over one third of the Peruvian population (37 per cent) is under 15, a percentage that has declined in comparison with previous censuses, but which continues to generate a critical demand for food products, health services, education, etc. At the same time the percentage of persons aged between 15 and 64, which make up the potential labour force, has continued to increase, from 54.7 per cent in 1981 to 58.4 per cent in 1993. In absolute terms the increase was 3,566,947.

26. The proportion of the population classified as "elderly", i.e. 65 and above, rose during the last 12 years from 692,680 (4.1 per cent) in 1981 to 1,026,119 (4.6 per cent) in 1993.

27. As regards population density, which shows the degree of concentration of the population, Peru is below the Latin American average (17.6 as against 22 inhabitants per km^2). Lima and the Constitutional Province of Callao have over 100 inhabitants per km^2, while relatively large departments or those in or on the edge of the jungle, such as Pasco, Amazonas, Moquegua, Ucayali, Loreto and Madre de Dios, have less than 10 inhabitants per km^2, which indicates that the population is still centrally concentrated.

D. Socio-economic indicators

28. The percentage of persons of working age rose from 51.8 in 1970 to 58.6 in 1990. In absolute figures, this meant that the labour force nearly doubled, entailing a demand for the creation of an additional 283,000 jobs per year on average. According to the 1993 census, Peru's economically active population (EAP) comes to 7,109,527, i.e. 51.2 per cent of the population of working age. This category includes all people aged 15 and over. According to this latest census, the economically inactive population amounts to 6,783,453, i.e. 48.8 per cent of the population of working age.

29. The 1993 census figures indicate that more women have joined the labour force. From 25.5 per cent in 1981, their share rose to 29.7 per cent in 1993. The male EAP fell during the same period from 79.7 to 73.4 per cent, although men still make up the bulk of the labour force.

30. In the economic sphere, over the past four decades total production and per capita production have not increased significantly. From 1960 to 1990, the gross domestic product (GDP) grew at an average annual rate of 2.7 per cent, very similar to the population growth rate, which was 2.8 per cent between 1961 and 1972 and 2.6 per cent between 1972 and 1981. However, in the 1980s GDP dropped by an annual average rate of 0.6 per cent. Thus, with the population growing at an average rate of 2.6 per cent between 1960 and 1990, per capita income decreased by an average of 0.03 per cent a year.

31. As a result of this demographic trend, together with the deterioration of the economic structure and its failure to meet the growing population's needs, which intensified in the 1980s, there was a steady decline in the quality of life of Peruvian families and a widespread increase in poverty. It also contributed to an increase in violence, which has had serious consequences for society as a whole.

32. Not only did the insufficient growth in national production and the population increase combine to accentuate the deterioration in the quality of life, but the distribution of national income reached its highest levels of concentration precisely in the decade of the greatest economic recession. Thus beginning in 1973, when wages attained 42.2 per cent of national income, they steadily decreased to 29.9 per cent of national income in 1988, the lowest level for the period.

33. The resulting fall in total investment, especially private investment, led - from the mid-1970s onwards - to a restriction in the expansion of modern productive activity, which could not continue to create sufficient employment.

34. Consequently, a high percentage of the population living in the cities and/or having migrated from rural areas created their own jobs, giving rise to a significant sector known as the self-employed, unstructured or informal urban sector. According to 1981 estimates, this sector represented 60 per cent of the urban labour force, and by 1990 it had grown further. The limitations on demand that restrict growth of the formal sector also affect the informal sector; consequently, the expansion of the informal sector, under the pressure of a growing labour supply due to population increase, ultimately causes the average income of its members to decline.

35. The changes in the production structure were accompanied by an urbanization process which, in recent decades, has oriented population distribution towards the major coastal cities, especially metropolitan Lima. After 1960, the highest population growth rate occurred during the period 1961-1970 (2.8 per cent annual average), which also had the highest urbanization rate (5.1 per cent annual average). According to the latest census, the population of Peru's urban centres is as much as 15,458,599, i.e. 70.1 per cent of the national population. The registered population of Peru's rural population centres is 6,589,757, i.e. 29.9 per cent of the registered population. These figures show that Peru's population continues to be concentrated in urban centres.

36. The growth of the urban population has not occurred as a result of the industrialization process. The period in which the highest growth rate of the urban population occurred, 1961-1970, was not the period of highest growth of the industrial product or even of the total product. It was the precarious rural situation, the result of the dearth of arable land per agricultural worker, the low investment in production infrastructure and the effective loss of capital investment characterizing agriculture for several decades that drove the rural population to the cities on a massive scale, giving rise to pockets of poverty in the main cities.

37. The migration and urbanization processess of the past 20 years have been characterized by a higher rate of growth of medium-sized cities as compared with metropolitan Lima. These cities (departmental and provincial capitals) have achieved accelerated growth through migration from the countryside and expectations of finding greater advantages in medium-sized and small cities because of the emergence and vitality of the local and regional markets that make up urban systems in several areas of the country, such as the southern Andean region (Cusco, Sicuani, Juliaca, Puno), which is linked to a market extending into Bolivia, the northern coast (Piura, Sullana, Tumbes), the southern coast (Arequipa, Moquegua, Ilo, Tacna), and the jungle region (Pucallpa, Tarapoto, Moyobamba).

38. According to data from the ninth population and fourth housing censuses, 4,921,020 persons stated they were born in a different locality from their place of residence at the time of the census. This figure represents 22.3 per cent of the registered population, 1.1 per cent of whom are aliens. Most of the migrants moved to Lima, where they make up 36.7 per cent of the population.

39. Another factor contributing to the migration to medium-sized cities is displacement due to the indiscriminate violence perpetrated by terrorist groups. These are forced displacements, people suddenly being obliged to leave their villages of origin or residence and their jobs.

40. Since the early 1980s, the phenomenon of violence-related displacement has affected at least two thirds of the national territory, substantially changing the demographic pattern of the regions and everyday living conditions. Although it has not yet been possible to assess this phenomenon quantitatively, some 600,000 people (120,000 families) are estimated to have been affected.

41. Recent estimates indicate that approximately 54 per cent of persons displaced during the 12 years of terrorist violence have moved within their department, while the rest have migrated elsewhere. The departments with the most displaced persons are Ayacucho, Huancavelica, Apurímac and Junín. The departments receiving the most displaced persons are Lima, Ica, Ayacucho, Apurímac and Junín. The latter three departments are areas both of expulsion and reception. Ayacucho, the epicentre of the terrorist movement, is the department that produces the most internally displaced persons, most of whom belong to peasant communities. Ayacucho is the department where the situation is the most critical, as it has both the highest expulsion and reception figures, with urban Ayacucho accommodating 30 per cent of all Peru's displaced persons.

42. There have been three major waves of internal displacement due to violence in Peru:

(a) 1983-1986: This period coincided with the outbreak of violence by "Sendero Luminoso" in the department of Ayacucho and the Government's first attempts to check it. At that early stage displaced persons were mainly from Ayacucho and managed to find places for themselves, albeit with great difficulty, in the marginal zones of the capital cities;

(b) 1987-1989: Terrorist violence increased in response to anti-terrorist activity by the military, the first attempts at popular resistance with the formation of the self-defence "peasant patrols" and the successful initiative of self-managed grass-roots organizations opposed to violence;

(c) 1990-1992: A new migration flow arose as a result of the so-called "exemplary actions" and intensification of violence by "Sendero Luminoso".

43. The last two waves of migration have encountered conditions in the receiving areas that make permanent resettlement practically impossible, as virtually all of them have no other solution than to eke out a living in the informal sector, where they are compelled to perform poorly paid work in a highly competitive market. The improved security they had hoped to find in the fringe urban areas proved elusive, conditions being hardly any different from those in the countryside, owing to the change in terrorist strategy, which aimed at greater activity in the cities during 1989-1990 and at eliminating popular resistance by means of selective murders and forcible recruitment.

44. Displacement has mainly involved the Andean and indigenous peasant population (approximately 70 per cent of displaced persons), while some 20 per cent has arisen from fringe urban sectors and rural district capitals and 10 per cent middle and high-level strata.

45. In these circumstances, women have played a more leading role, partly by preserving the family, which has been deeply affected in a number of ways, ranging from the disappearance of familiar surroundings and disintegration, to the death of family members and the ceaseless exposure to high-risk situations, and partly by entering the production sector, helping to organize the community for self-defence, etc.

46. The National Technical Commission on Displaced Populations was established in August 1991 for the purpose of undertaking a multi-disciplinary diagnosis of the problem, with the participation of representatives of NGOs, the defence sector, the Catholic Church and other bodies. On 8 December 1993, the Government established the Assistance Project for Returnees (PAR), within which the National Institute for Development (INADE) is currently comprehensively dealing with all aspects of internal displacement and coordinating international cooperation. The ultimate objective of the Government's commitment to dealing with the problem of displaced persons is to ensure their return, with proper guarantees for their safety and the satisfaction of their basic needs for self-defence. The policy of returning displaced families to their places of origin is deliberate and organized collectively through organizations such as the Lima Association of Displaced Families.

47. Although international law contains mechanisms for protecting refugees, who are cross-border migrants, it is for each affected State to solve the problem of internally-displaced persons. Peru has indicated to the international community that, while the international community is examining the problem from a global standpoint and deciding which legal and political criteria the multilateral organizations will adopt in order to avert the problem, it is essential to begin emergency action in support of national efforts to prevent these internal migratory movements from becoming refugee flows.

48. It is estimated that approximately 200,000 people emigrated from Peru between 1980 and 1990.

49. Because of the years of economic crisis, it is impossible for stabilization programmes and structural reforms to relieve poverty significantly in the short term. The Government has accordingly reformulated social policy to meet the basic needs of the most vulnerable sectors of the population, without resorting to populist measures that distort market signals and impede economic growth.

50. The standards of living survey carried out in October and November 1991 (ENNIV IV) found that approximately 13 million Peruvians live in poverty. The problem has been aggravated by economic crisis of recent years. The gradual spread of poverty is reflected in the 46 per cent decline in consumer spending in metropolitan Lima between 1986 and 1990, followed by a further 39 per cent decline between June 1990 and October 1991, as revealed by the 1991 standards of living survey. Poverty has spread and diversified as a result of the deterioration of the standards of living of Peru's population.

51. There are many causes of poverty in Peru. In overall terms, it is reflected in the dramatic drop in GDP, which fell from a maximum index of 109 per cent in 1981 to a minimum of 92.4 per cent in 1992. The decline is attributable both to the loss of dynamism in the productive economy after the end of the 1970s, despite a slight revival in 1993 and 1994, and to the high rate of population growth throughout the period.

52. Even when private investment, national and foreign, generates higher employment levels for the economically active population, it is unrealistic to expect the jobs created to be sufficient to satisfy the demands of the population. As a result, the current deficit in the satisfaction of basic needs will tend to continue for a long time, although it may decrease by comparison with total production or the number of persons in need.

53. The extent of the problem is reflected in the global social deficit, the difference between levels of consumption and the levels required for everyone to have access to a full basic food basket, which amounts to about US$ 15 billion annually. The urgent social deficit, for the poorer half of the population, amounts to US$ 2.8 billion, while the food deficit of the first three deciles, where extreme poverty is concentrated, amounts to US$ 1.1 billion.

54. The indicators of support action by the State show a lamentable falling-off; State social spending has fallen steadily since 1986, chiefly in the education and health sectors. The programme of action provides for selective and focused geographic intervention, based on the poverty map, with priority being given to the creation of basic institutional capacities in health services, improvement of the quality of primary education with a view to making it universal, and the administration of justice.

55. Jobs will be created in the rural and marginal urban areas through investment in the social infrastructure and support for production linked to meeting basic needs, especially food supplements for the sectors most at risk.

56. The Inter-Ministerial Commission for Social Affairs (CIAS), subordinate to the President of the Council of Ministers, is responsible for government policy and action for poverty relief and social support. It will have the support of the Compensation and Social Development Fund (FONCODES) and the Social Development Committees (COMDES), which will be established as ad hoc sectoral technical bodies.

57. The Emergency Social Programme (PES) came into operation in August 1990 as a result of the new Government's stabilization programme, which was designed to provide temporary assistance for Peru's poorest and which continued until March 1991. The programme was mainly active during its first few months, when it received a large volume of donations in the form of food and medicines, which were directed to families through mothers' clubs, soup kitchens and the Church. In subsequent months the programme slowed down for lack of funds.

58. In August 1991 the Government promulgated Legislative Decree No. 657, setting up the National Compensation and Social Development Fund (FONCODES), with the aim of financing social investment projects throughout Peru. Two lines of funding were established: social support and the development of productive employment in the areas of health, food, basic education, infrastructure, etc. for the benefit of the poor. The target population for FONCODES projects is the group affected by extreme poverty, and within that group, the most vulnerable individuals. FONCODES divided its lines of action into three sectors:

(a) Social welfare, particularly in the areas of health, nutrition, work and education;

(b) Social infrastructure, construction projects in the areas of sanitation, education, nutrition and health and civil engineering projects in the highways and energy sectors;

(c) overall support for production: financing for productive activities, support for small and microenterprises, reforestation, small-scale fishing, etc.

The fund's resources consist mainly of government allocations, donations, and non-repayable contributions from foreign Governments, foundations and international organizations.

59. There is currently a widespread self-help network operating throughout Peru, based on the various community organizations, which provide a rapid response to family problems.

60. Recent years have shown the collective organizational capacity and determination of the poor. There has been an increase in mothers' clubs, "Vasos de leche" (glasses of milk), low-income cafeterias and other neighbourhood associations which have provided manpower that is difficult to quantify and served as an invaluable foundation for a number of social-support programmes already under way such as the "Vasos de leche", "The school defends life', and various types of self-managed low-income cafeterias.

61. Active participation by the NG0s, the Church and private business has been an important factor in social development.

62. An objective analysis and understanding of the country's situation require a brief description of the explosion of terrorist violence in Peru from 1980 onwards and the emergence of the terrorist movement "Sendero Luminoso", which makes use of a complex phenomenon of structural violence dating back to the political domination and social contradictions introduced by the conquest. These have been building up and becoming more acute with time and culminated in the complete abandonment by the State of large areas of the national territory.

63. The return to the constitutional system in 1980 has been marked by a growing economic crisis, a more important role for the grass-roots organizations, an unprecedented volume of drug-trafficking and the overwhelming of obsolete State structures. Paradoxically, the new democratic regime appeared at the same time as the first terrorist action by "Sendero Luminoso".

64. In 1989, the Senate Committee on Violence and Peacemaking in a report described the various formative stages of the ideological conception of "Sendero Luminoso", from the application of Marxism-Leninism-Maoism to the beginning of the so-called armed struggle in 1980, developed along the lines of the "thinking of Gonzalo", according to which the gang's ringleader, Abimael Guzmán Reynoso, also known as "Comrade Gonzalo" or "President Gonzalo", claims to have arrived at a theoretical dialectical synthesis of Marxism.

65. "Sendero Luminoso" initially portrayed itself to world public opinion as a group defending the peasants and indigenous communities which were being dominated and exploited by an alleged dictatorial Government in Peru, an image which is totally false in the light of the crimes against humanity committed. Its attacks were aimed at military installations and its first victims were political authorities.

66. From 1989 onwards, however, "Sendero Luminoso" considered it had secured a so-called "strategic balance" with the State forces and decided to begin a new stage by aggravating social contradictions. It denounced the United Nations and the international human rights bodies, and non-governmental organizations engaged in promoting and safeguarding human rights, and began openly to escalate its murders of humble grass-roots leaders, priests of all denominations, foreign voluntary workers, politicians from all parties and anyone who favoured a peaceful solution and opposed violence, as well as ordinary citizens. The world finally understood the real terrorist nature of "Sendero Luminoso" when, in horror, it saw a family apartment building in a residential area of Lima destroyed by a car bomb and its residents killed.

67. "Sendero Luminoso" has been compared by leading international political analysts with the tragic Pol Pot regime in Cambodia. Through its official journal El Diario Internacional, which is published in an important European country with the backing of libertarian theories, "Sendero Luminoso" has stated that 2 million Peruvians need to be murdered in order that a new "people's State" may be built; it is in actual fact a terrorist group whose actions, which constitute ordinary crimes under Peru's domestic law and crimes against humanity under international law, may in no way be treated as political crimes.

68. The Tupac Amaru Revolutionary Movement (MRTA), is another terrorist group that emerged in 1984 and claims to be the armed representative of the "new left". Unlike "Sendero Luminoso", it claims to be a guerrilla group, although in practice its "guerrilla" tactics spill over into terrorist actions (hold-ups and abductions) and it is branded by violence.

69. Indiscriminate terrorist violence in Peru has taken a tragic toll of over 27,000 human lives.

70. The objective of the terrorist groups is to cause the greatest possible economic damage in order to paralyse the country's economic activities. Estimates of damage indicate that Peru has sustained losses of the order of US$ 21 billion, equivalent to the entire foreign debt, in addition to the resources directly assigned to efforts to combat terrorism.

71. Economic reports generally emphasize the direct costs of the destruction of production resources, electricity pylons, roads, bridges, shopping centres, factories, public institutions, banks, etc.

72. An estimate should also be made of the opportunity costs, i.e. the benefits not obtained because of the attacks, the flight of domestic and foreign investment, and the paralysis of tourist services, etc.

73. The introduction of a new anti-terrorism strategy aimed at organizing the people's strong rejection of terrorist methods has already had its first major successes: on 10 September 1993, the main leader of "Sendero Luminoso" was captured, together with 95 per cent of the gang's other leaders, who are now being held in high-security prisons, thanks to anti-terrorist legislation, such as the Ley de Arrepentimiento (Repentance Act).

74. Guzmán's arrest has halted the escalation of terrorism. For the first time, the Government is taking the initiative through a comprehensive anti-terrorism policy.

75. Another result of the Government's anti-terrorism drive has been the arrest of the main leaders of the MRTA. In addition, collusion between the MRTA and drug-traffickers, bank raids and the "war dues" collected from shopkeepers and businessmen played a role in the dismantling of this terrorist group from within; in recent years it has simply become a gang of criminals.

76. Peru has pressed for the development of legal doctrine to enable international law to cover terrorism as a violation of human rights and to initiate joint action by the international community in order to punish the offence of terrorism and eventually eradicate it altogether.

77. The illiteracy rate in Peru decreased sharply from 57.6 per cent in 1940 to 18.1 per cent in 1981. During the period 1983-1991, the illiteracy rate among the population aged 15 and over fell from 16.0 to 10.7 per cent. According to the 1993 census, there are 1,784,281 illiterates in Peru, 15,177 (0.8 per cent) fewer than in 1981. The decline in the number of illiterates between the two censuses is attributable to the decline in rural illiteracy. There were 151,036 fewer illiterates in rural areas, whereas the number of urban illiterates rose by 135,859.

II.GENERAL POLITICAL STRUCTURE

A.General legal framework

78. The Peruvian Constitution, which was formulated by the Democratic Constituent Congress elected for that purpose and composed of 80 members, was put to a popular vote and approved by referendum on 31 October 1993. The President of the Republic promulgated the Constitution on 27 December 1993.

79. Peru is a country that has been moulded by thousands of years of pre-Colombian development and 500 years of Western culture; the Constitution accordingly defines Peru as a multi-ethnic and multicultural country.

80. The Constitution's first provisions relate to the fundamental rights of the individual, its first article stipulating: "The defence of the individual and respect for his dignity constitute the supreme purpose of society and the State."

81. The rights of the individual established in the Constitution are covered by the main provisions of the Constitution of 1979; however, new concepts have been incorporated with a view to strengthening national integration.

82. One of the main innovations of the new Constitution is the incorporation of measures to ensure public participation, through the right of legislative initiative, the right to remove authorities and the right to participate in a referendum, the means by which the electorate approved the present text of the Constitution.

83. One of the fundamental political objectives of this Constitution has been to achieve an appropriate balance of powers, strengthening the effectiveness of the Council of Ministers and Congress itself, together with appropriate municipal decentralization.

B. System of Government

84. In Title II ("The State and the Nation") of the Constitution, article 43 stipulates that "The Republic of Peru is democratic, social, independent and sovereign. The State is an indivisible whole. Its Government is unitary, representative and decentralized, and shall be organized in accordance with the principle of the separation of powers." It is further stipulated that "The power of the State originates from the people. Those who exercise it do so with the limitations and responsibilities laid down by the Constitution and the laws."

C. The Executive

1. The President and Vice-President of the Republic

85. The President of the Republic is the Head of State and personifies the Nation. In order to be elected President of the Republic, a person must be Peruvian by birth, be at least 35 years of age at the time of his candidature and enjoy the right to vote.

86. The President of the Republic is elected by direct suffrage, the candidate who obtains more than half the votes being elected. Spoiled or blank ballot papers are regarded as invalid. If none of the candidates obtains an absolute majority, a second election is held within 30 days of the proclamation of the official results between the two candidates who obtained the greatest number of votes. Together with the President of the Republic, two vice-presidents are elected in the same manner, with the same requirements and for the same term.

87. The mandate of the President is for five years; he may be re-elected for an additional period. Once a minimum period of a further constitutional term has elapsed, a former President may stand for election again subject to the same conditions.

88. The Constitution also establishes the grounds on which the presidency may be relinquished or suspended.

89. The President of the Republic has the following powers, among others:

(a) To execute and enforce the Constitution and treaties, laws and other legal provisions;

(b) To represent the State, within and outside the Republic;

(c) To direct the general policy of the Government;

(d) To watch over the internal order and external security of the Republic;

(e) To convene elections for the office of President of the Republic, elections of members of Congress, and elections for the offices of mayor, alderman and other offices stipulated by law;

(f) To convene Congress as an extraordinary legislature and, in this case, sign the convocation decree;

(g) To address messages to Congress at any time and on an obligatory basis, personally and in writing, when the first annual ordinary legislature begins its sitting;

(h) To establish regulations for laws without transgressing or distorting them, and within those limits, issue decrees and decisions;

(i) To execute and enforce the sentences and decisions of the jurisdictional organs;

(j) To execute and enforce the decisions of the National Election Board;

(k) To direct external international relations policy, and conclude and ratify treaties;

(l) To preside over the national defence system, and organize, distribute and direct the use of the armed forces and the National Police;

(m) To adopt the necessary measures for the defence of the Republic, the integrity of the territory and the sovereignty of the State;

(n) To declare war and sign peace treaties, with the authorization of Congress;

(o) To order extraordinary measures, by means of emergency decrees having force of law, on economic and financial matters, and whenever required by the national interest, with responsibility for reporting to Congress, which may in turn amend the said emergency decrees; and

(p) To exercise such other functions of government and administration as the Constitution and laws may entrust to him.

90. There are currently 13 ministries: Foreign Affairs; the Interior; Justice; Defence; Fisheries; Agriculture; Economy and Finance; Education; Health; Labour and Social Advancement; Energy and Mines; Transport, Communications, Housing and Construction; Industry, Tourism, Integration and Collective International Negotiations.

91. The Council of Ministers is composed of the Ministers of State; it has a President, who is appointed and removed from office by the President of the Republic.

92. The Council of Ministers is responsible for the administration and management of public services, each Minister being responsible for matters falling within his portfolio. Acts by the President of the Republic lacking ministerial approval are null and void.

93. The President of the Council of Ministers, who may be a minister without portfolio, has the following responsibilities:

(a) To act, after the President of the Republic, as the authorized spokesman for the Government;

(b) To coordinate the functions of the other Ministers;

(c) To approve legislative decrees, emergency decrees and the other decrees and decisions provided for by the Constitution and the law.

94. In order to be a Minister of State, a person must be Peruvian by birth, have citizenship rights and be at least 25 years of age. Members of the armed forces and the National Police may be Ministers.

95. Among the powers of the Council of Minsters, we would mention the following:

(a) To approve such bills as the President of the Republic may submit to Congress;

(b) To approve such legislative decrees and emergency decrees as may be issued by the President of the Republic, and bills, decrees and decisions as provided for by law;

(c) To discuss matters of public interest; and

(d) Other matters as entrusted to it by the Constitution and the law.

96. Any decision by the Council of Ministers requires the approval of the majority of its members and must be placed on record. Ministers may exercise no public office other than that of legislator.

97. It is considered that Ministers are individually responsible for their own acts and for the presidential acts they approve. All Ministers are jointly responsible for any criminal acts or acts in violation of the Constitution or the laws perpetrated by the President of the Republic or agreed on in the Council, even if they withhold their vote, unless they resign immediately.

98. Within 30 days of taking office, the President of the Council must go before Congress, together with the other Ministers, to explain and discuss the general policy of the Government and the principal measures required for the implementation of this policy. For this purpose he submits a confidence motion.

99. The attendance of the Council of Ministers, or of any of the Ministers, is obligatory when Congress summons them in order to question them; the summons must be in writing and be submitted by not less than 15 per cent of the total number of members of Congress.

100. Congress gives effect to the political responsibility of the Council of Ministers, or of the Ministers separately, through a vote of censure or no confidence. The latter motion may be submitted only through ministerial initiative.

101. Any censure motion against the Council of Ministers, or against any of the Ministers, must be submitted by not less then 25 per cent of the total number of members of Congress. To be approved, more than half the total number of members of Congress must vote in favour of the motion. The Council of Ministers, or the Minister censured, is required to resign.

102. The President of the Council of Ministers may introduce a motion of confidence before Congress on behalf of the Council. If the confidence motion is rejected, or if the Council is censured, resigns or is dissolved by the President of the Republic, the Cabinet is in complete crisis.

103. To deal with this situation, the Peruvian Constitution has provided for the possibility that the President of the Republic may dissolve Congress if the latter has censured or expressed no confidence in two Councils of Ministers.

104. The dissolution decree must contain an announcement of elections for a new Congress, which must be held within four months of the date of dissolution, without modification of the preexisting electoral system. Congress may not be dissolved during the final year of its mandate.

105. Once Congress has been dissolved, a Standing Commission continues to act as a temporary supervisory body; this Commission may not be dissolved. There are no other means of revoking the parliamentary mandate and Congress may not be dissolved under a state of siege.

106. The new Congress may censure the Council of Ministers or deny it a motion of confidence after the President of the Council has reported to Congress on the Executivels acts during the parliamentary'interregnum.

D. The Legislature

107. Legislative authority lies with Congress, which consists of a single chamber and is elected for a five-year term by means of an electoral process organized in accordance with the law.

108. Congress is composed of 120 members, who, in order to be elected, must be Peruvian by birth, be at least 25 years of age and enjoy the right to vote.

109. The members of Congress represent the Nation. They are not subject to a binding mandate or to a parliamentary question procedure; they are not responsible to any authority or jurisdictional body for the opinions they express and the votes they cast in the exercise of their functions; they may not be tried or arrested without prior authorization by Congress or the Standing Commission, except in flagrante delicto.

110. The legislative mandate is non-renounceable. Disciplinary penalties imposed by Congress on representatives entailing suspension from office may not exceed 120 days of the term of the legislature.

111. Congress may initiate investigations on any subject of public interest. When a person has been summoned to appear before a commission responsible for such an investigation, his attendance is compulsory, and subject to the same constraints as those in judicial procedure.

112. The armed forces and the National Police may not enter the premises of Congress without the authorization of the President of Congress.

113. The members of the Congressional Standing Commission are elected by Congress. Their number tends to be proportionate to the number of representatives of each parliamentary group, and may not exceed 25 per cent of the total number of members of Congress.

114. Among the powers of the Standing Commission, we would note the following:

(a) To designate the Comptroller-General, on the nomination of the President of the Republic;

(b) To ratify the designation of the President of the Central Reserve Bank and of the Superintendent of Banking and Insurance;

(c) To approve supplementary credits, and transfers and credits from the budget during the parliamentary recess;

(d) To exercise such legislative powers as Congress may delegate to it. Matters relating to constitutional reform or approval of international treaties, organizational laws, the Budget Act and the General Accounts of the Republic Act may not be delegated to the Standing Commission.

115. Among the powers of Congress, we would mention the following:

(a) To enact laws and legislative decrees, and to interpret, amend or repeal existing laws and decrees;

(b) To ensure that the Constitution and the laws are respected, and to order appropriate action in order to give effect to the liability of violators;

(c) To approve treaties, in conformity with the Constitution;

(d) To approve the budget and the general accounts;,

(e) To authorize borrowings, in accordance with the Constitution;

(f) To exercise the right of amnesty;

(g) To approve territorial demarcation as proposed by the Executive;

(h) To give consent to the entry of foreign troops on to the territory of the Republic, provided that national sovereignty is in no way thereby affected;

(i) To authorize the President of the Republic to leave the country.

116. Congress may enact special laws in response to the requirements of a particular situation, but not on account of differences between persons.

117. No law may have retroactive force or effect, except in criminal matters where the law favours the defendant; a law may be repealed only by another law. The Constitution does not protect abuse of the law.

118. Congress may delegate to the Executive the power to legislate, by means of legislative decrees, on a specific matter and for a particular period as established in the enabling law.- These legislative decrees are subject to the same provisions as those which apply for the law. Matters that are classified as non-delegable may not be delegated to the Standing Commission.

119. No bill may be enacted without having been previously approved by the relevant consultative commission except where provided for in the rules of procedure of Congress. Draft legislation of an urgent character submitted by the Executive has priority before Congress.

120. The President of the Republic and the members of Congress have the right of initiative in the formulation of laws. The other branches of State authority, the autonomous public institutions, the municipalities and the professional associations have the same right in matters within their competence.

121. Citizens who exercise the right of initiative in accordance with the law also have this right.

122. The power to administer justice emanates from the people and is exercised by the Judiciary through its hierarchical organs in accordance with the Constitution and the laws.

123. In any proceedings, if there is incompatibility between a constitutional provision and a legal provision, the judges give precedence to the former. Similarly, they give precedence to the legal provision over any other provision of lower rank.

124. The following are principles and rights of the jurisdictional function:

(a) Unity and exclusiveness of the jurisdictional function. The military and arbitral jurisdictions are recognized as independent jurisdictions;

(b) Independence in the exercise of the jurisdictional function. No authority may assume jurisdiction in cases pending before a jurisdictional organ or interfere in the exercise of its functions;

c) The observance of due process and jurisdictional protection. No person may be diverted from the jurisdiction predetermined by law or subjected to proceedings other than those previously established;

(d) The public nature of proceedings, except where provided for by law. Judicial proceedings in which the defendants are public officials, those involving press crimes and those which relate to fundamental rights guaranteed by the Constitution are always public;

(e) Written substantiation of judicial decisions in all instances, except for purely procedural orders;

(f) Plurality of instances;

(g) Compensation, in the form determined by law, for miscarriages of justice in criminal trials and for arbitrary detention, without prejudice to any liability that may be determined;

(h) The principle of not failing to administer justice because of a lacuna or deficiency in the law. In such a case, the general principles of written law and customary law apply;

(i) The principle of the non-applicability by analogy of the criminal law and of provisions which restrict rights;

(j) The principle of no punishment without a trial;

(k) The application of the law most favourable to the defendant in the event of doubt or conflict between criminal laws;

(l) The principle whereby no defendant may be sentenced in absentia;

(m) The prohibition of the reopening of proceedings closed by means of an enforceable judgement;

(n) The principle whereby no defendant may be deprived of the right of defence at any stage of the proceedings;

(o) The principle that every person must be informed, immediately and in writing, of the causes of or reasons for his arrest;

(p) The principle that the administration of justice is free, and that defence is free for needy persons and for all persons in the cases specified by law;

(q) Popular participation in the appointment and removal of judges, in accordance with the law;

(r) The obligation of the Executive to extend such cooperation as may be requested of it in proceedings;

(s) Prohibition of the exercise of the judicial function by anyone who has not been appointed in the manner provided for by the Constitution or the law;

(t) The principle that every person has the right to make analyses and criticisms of judicial decisions and sentences, within the limitations of law;

(u) The right of remand and sentenced prisoners to occupy decent premises;

(v) The principle that the purpose of the prison regime is re-education, rehabilitation and reintegration of the prisoner into society.

125. The Constitution also stipulates that the death penalty may be imposed only for the offence of treason in time of war and terrorism, in accordance with the laws and treaties to which Peru is a party.

126. The Judiciary is made up of jurisdictional organs which administer justice in the name of the Nation and by organs by which it is governed and administered.

127. The jurisdictional organs are: the Supreme Court of Justice, and such other courts as may be determined by the Judiciary's organization act.

128. The President of the Supreme Court is also President of the Judiciary. The plenary Supreme Court is the highest deliberating body of the Judiciary.

129. The State guarantees to judges:

(a) Their independence; they are subject only to the Constitution and the law;

(b) Irremovability from their posts; they may not be transferred without their consent;

(c) Permanency of tenure, provided their conduct and ability are commensurate with their office;

(d) Remuneration which assures them a standard of living appropriate to their responsibility and seniority.

130. In order to be a judge of the Supreme Court of Justice, a person must:

(a) Be Peruvian by birth;

(b) Have citizenship rights;

(c) Be at least 45 years of age;

(d) Have been a Higher Court judge or senior government procurator for 10 years or have practised as a lawyer or held a university chair in a legal discipline for 15 years.

131. Lastly, it should be borne in mind that the Constitution has granted the power to exercise the judicial function, for the purposes of the execution of their customary law, to the rural and native communities with the support of the rural patrols. The law will establish the forms of coordination of this special jurisdiction with the magistrates' court and the other instances of judicial authority.

F. The National Council of the Judiciary

132. The National Council of the Judiciary is an independent and autonomous organ which is responsible for the selection and appointment of judges and procurators, except when the latter are elected by the people.

133. Justices of the peace are appointed on the basis of a popular election, organized in accordance with the law.

134. The National Council of the Judiciary has the following functions:

(a) Appointment, on the basis of a public competitive examination and personal evaluation and with the approval of two thirds of its members, of judges and procurators at all levels;

(b) Confirmation of the appointment of judges and procurators at all levels every seven years;

(c) Enforcement of the penalty of dismissal in the case of members of the Supreme Court and Senior Government Procurators and, at the request of the Supreme Court or the Board of Senior Government Procurators, judges and procurators at all instances;

(d) Awarding to judges and procurators the official title accrediting their status.

135. The Peruvian Constitution establishes the composition of the National Council of the Judiciary and the requirements for membership.

G. The Public Prosecutor's Department

136. The Public Prosecutor's Department is autonomous and presided over by the Attorney-General of the Nation, who is elected by the Board of Senior Government Procurators.

137. The term of office of the Attorney-General of the Nation is three years, which may be extended by re-election for a further two years. The members of the Public Prosecutor's Department have the same rights and prerogatives and are subject to the same obligations as those of the Judiciary in the relevant category.

138. The Public Prosecutor's Department has the following functions:

(a) Promoting, ex officio or on application, judicial action in in furtherance of legality and of the public interests safeguarded by law;

(b) Ensuring the independence of the jurisdictional organs and the proper administration of justice;

(c) Representing society in judicial proceedings;

(d) Conducting the investigation of an offence from its outset. To this end, the National Police are obliged to fulfil the mandates of the Public Prosecutor's Department within the context of their function;

(e) Instituting criminal proceedings ex officio or on application;

(f) Expressing an opinion prior to judicial decisions in the cases provided for by law;

(g) Taking the initiative in the formulation of laws, and reporting to Congress or the President of the Republic on lacunae or deficiencies in legislation.

H. The Ombudsman

139. One of the principal innovations of the new Peruvian Constitution is the institution of the Ombudsman, which is separate from the Public Prosecutor's Department.

140. The Ombudsman is autonomous, and public bodies are obliged to collaborate with him whenever he so requests.

141. The Ombudsman is elected and removed by Congress; in order to be elected Ombudsman a person must be at least 35 years of age and be a lawyer. The office carries a five-year term and is not subject to a binding mandate.

142. It is the responsibility of the Ombudsman to safeguard the constitutional and fundamental rights of the individual and the community, and to supervise fulfilment of the duties of the State administration and the performance of public services.

143. The Ombudsman submits a report to Congress once a year or whenever the latter so requests. He may take the initiative in the formulation of laws and may propose measures to facilitate the more effective performance of his functions.

IV. The National Electoral Board

144. In conformity with Peru's Constitution, the purpose of the electoral system is to ensure that elections allow citizens to express themselves authentically, freely and spontaneously and that ballots are an accurate and timely reflection of the will of the electorate as expressed in the ballot box by direct vote.

145. The Board's basic functions are to plan, organize and hold elections, referendums or other popular votes; to maintain and keep a single register of personal identities and to register all acts affecting civil status.

146. The electoral system comprises the National Electoral Board, the National Electoral Procedures Office and the National Identity and Civil Status Registry.

147. The National Electoral Board is responsible, inter alia, for:

(a) Ensuring the lawfulness of ballots and electoral procedures, referendums and other popular votes;

(b) Maintaining and keeping the register of political organizations;

(c) Ensuring compliance with the rules relating to political organizations;

(d) Proclaiming candidates elected.

148. The highest authority of the National Electoral Board is the plenary, composed of five members as follows:

(a) One member elected by secret ballot by the Supreme Court from among its judges, either retired or serving. If in office, the judge is granted leave of absence and it is he who presides over the Board.

(b) One member elected by secret ballot by the Board of Senior Government Procurators from among retired or serving senior procurators; in this case too, the elected judge is granted leave of absence;

(c) One member elected by secret ballot by the Lima Bar Council from among its members;

(d) One member elected by secret ballot by the Deans of the Law Faculties of public universities from among former deans;

(e) One member elected by secret ballot by the Deans of the Law Faculties of private universities from among former deans.

149. The 1993 Constitution lays down certain eligibility requirements for representatives of the National Electoral Board: for example, they may not be younger than 45 or older than 60; they are elected for a four-year period, and may be re-elected, albeit alternately, after two years. The position is full-time and paid.

150. As far as conditions of ineligibility for the National Electoral Board are concerned, the 1979 Constitution used to disqualify any persons exercising positions of responsibility in political organizations, or who had held such positions in the six years preceding their candidacy. This has now changed, and the period has been reduced to four years.

151. At present, the head of the National Electoral Procedures Office is appointed by the National Council of the Judiciary for a renewable four-year period; he may be dismissed for serious negligence and is subject to the ineligibility conditions attached to membership of the National Electoral Board. The head of the National Identity and Civil Status Register is also appointed by the National Council of the Judiciary for a renewable four-year period, and is responsible for registering births, marriages, divorces and deaths.

152. The National Electoral Board may nullify the whole electoral procedure if the number of void and blank votes is more than two thirds of the total number of votes cast, unlike under the 1979 Constitution, when the proportion was one third of the valid votes cast nationally.

153. Votes are counted publicly in the presence of the representatives of the political parties in order to ensure transparency. Peruvians who live abroad may vote at Peruvian consulates.

154. Since 1980, the population has been called to vote four times; three times for elections and once for a referendum in which the Constitution was approved.

155. The 1979-1980 elections were governed by Decree-Law No. 14250; they led to the election, for a five-year period, of the President of the Republic, senators and deputies who remained in office from 1980 to 1985. Fernando Belaúnde Terry was elected President and a total of 60 senators and 180 deputies were elected for the whole country.

156. Alan García Perez was elected President for the 1985-1990 period, along with 60 senators, and 180 deputies.

157. Alberto Fujimori Fujimori was elected President for the 1990-1995 period. On 5 April 1992 he dissolved Congress and called for elections, under Decree-Law No. 25684, of the Democratic Constituent Congress with 80 representatives.

158. The referendum of 31 October 1993 approved Peru's Constitution.

V. TREATIES IN PERU

159. Under Peru's 1993 Constitution, treaties entered into by Peru are part of national law. As to the legal hierarchy of treaties, Peru's Political Constitution, together with international human rights treaties, take precedence, followed by international treaties on Latin American integration, multilateral treaties and other international instruments.

160. In order for treaties to be legally binding, they must be ratified by the President of the Republic. However, treaties relating to certain matters must be approved by Congress prior to being ratified by the President.

161. The matters requiring prior approval by Congress are the following:

(a) Human rights;

(b) The sovereignty, authority or integrity of the State;

(c) National defence;

(d) The State's financial commitments.

(e) In addition, the Constitution stipulates that all treaties which either introduce, amend or cancel taxes, which require laws to be amended or abrogated or which require legislative measures in order for them to come into force must be approved by Congress before they are ratified by the President of the Republic.

162. Treaties in areas other than those referred to above may, however, be entered into or ratified by the President of the Republic without the need for prior approval from Congress, although the President must keep Congress informed.

163. In addition, if the treaty has a bearing on provisions of the Constitution, it must be approved by the same procedure as for constitutional reform, before it may be ratified by the President. This procedure is governed by article 206 of the Constitution.

164. Authority to denounce treaties is vested in the President of the Republic, who is required to report thereon to Congress. In order to denounce treaties that require congressional approval, prior approval from Congress is also required.

165. As regards the procedure for the adoption of treaties, when Peru has negotiated a treaty with other States or international organizations through its representatives and has signed the treaty, it must express its consent to be bound by the treaty and to fulfil its obligations. This consent is given by ratification.

166. Once treaties have been approved by Congress, where the law requires, they must be ratified by the President of the Republic. This is because it is not sufficient for a treaty to be signed by representatives who have negotiated it, as their signature is not binding upon the State.

167. Peru's representatives must possess the proper credentials. However, the State is under no obligation to ratify a treaty, nor is there a specific deadline within which a treaty must be ratified.

VI. BODIES PROTECTING HUMAN RIGHTS

168. Peru's 1979 Constitution, the highest law binding on all citizens, within the framework of full observance of human rights, as stated in its preamble, for the first time instituted the Public Prosecutor's Department as an autonomous organ with the obligation to "initiate, either ex officio or by application, judicial proceedings to uphold the law, the rights of citizens and such public interests as are protected by the law" and to "act as ombudsman in respect of the administration".

169. Until the 1979 Constitution came into effect, the Public Prosecutor's Department was considered to be an integral part of the Judiciary. Then in 1979 the Government of Peru, as the foundation of the country's human rights system, gave the Public Prosecutor's Department responsibility for protecting human rights. Under the present system, responsibility for protecting constitutional and fundamental rights lies with the Office of the Ombudsman, a new institution which was established under Peru's 1993 Constitution.

170. In this regard, Legislative Decree No. 052 (Public Prosecutor's Department Organization Act), promulgated on 16 March 1981, stipulates in its article 1 that "the Public Prosecutor's Department is an autonomous State agency whose principal function is to defend legality, the rights of citizens and the public interest ... ".

171. Subsequently the Office of the Attorney-General instituted the Offices of Ombudsman and Procurator for Human Rights for the Whole Nation, charged with assuming jurisdiction over and investigating complaints of human rights violations, protecting the constitutional and fundamental rights of individuals and of the community, as well as ensuring that the State administration performs its duties and that public services are made available to citizens.

172. In order to implement the National Pacification Plan and to provide guidance and support for all the efforts made to bring about peace in Peru and to ensure full respect for human rights, the Peace Council was instituted under Legislative Decree No. 652; the Council is composed of the representatives of different national sectors and sits in the capital and in each of the country's regions.

173. Subsequently, under Decree-Law No. 25993, the Organization Act relating to the Judiciary was approved, stipulating that the National Council for Human Rights shall be the agency responsible for promoting, coordinating

and advising on protection for and the observance of fundamental individual rights. This Council is governed by Supreme Decree No. 038-93-JUS, of 7 October 1993, its main aim being to help develop a sound awareness of the need to respect fundamental individual rights. The establishment of the Council fulfils some of the principles laid down by the main international human rights instruments, in so far as it allows the formulation of policies, mechanisms and measures for the full protection of human rights, among public and non-governmental human rights bodies.

174. In addition, in its effort to strengthen Peru's system of legal protection for human rights, the Government has adopted further domestic legislation. The Ministry of the Interior has set up human rights offices as integral parts of the Prefectures, Sub-Prefectures, Governorships and Sub-Governorships. In addition, it has established the National Human Rights Committee as a coordination and monitoring body within the Ministry of the Interior

175. This shows that domestic human rights legislation has been strengthening and consolidating the protection of human rights. Now, bodies that lacked human rights committees organize programmes on human rights defence policies and machinery as a means of improving social harmony.

176. Subsequently, on 26 June 1992, with Decree-Law No. 25992, the Government introduced penalties for officials or civil servants responsible for disappearances together with regulations governing the Register of Complaints relating to Disappeared Persons, as a means of securing the right to personal liberty, a fundamental individual right which every democratic Government should protect. Within this framework, under decision No. 342-92-MP/FN of the Attorney-General's Office, dated 10 June 1992, the Register of Complaints relating to Disappeared Persons was set up under the responsibility of the Offices of the Special Procurator for Human Rights and the Ombudsman.

177. As a result of the adoption of Peru's 1993 Constitution, responsibility for defending the constitutional and fundamental rights of the individual and of the community, amongst others, was vested in the Office of the Ombudsman under the terms of chapter nine, section four, where it is specified that the Ombudsman is appointed and dismissed by Congress and that he is responsible for defending the constitutional and fundamental rights of the individual and of the community.

178. As a transitional measure, all government procurator's offices have been given responsibility for dealing with complaints relating to human rights violations. Complaints relating to disappeared persons are dealt with by the Registry of Disappeared Persons.

179. Act No. 26295 established the National Register of Detainees and Persons Sentenced to Custodial Sentences, the purpose of which is to secure the human rights of detainees and of persons sentenced to imprisonment.

180. In 1991 the Technical Commission for Displaced People was set up to deal with families displaced from their places of origin by terrorist violence. On 9 October 1993, the Programme of Support for the Population (PAR) was established in order to assist the return of displaced people to their places of origin. On 10 April 1994 the Interministerial PAR Committee was set up, in order to coordinate and implement action by the Ministries of Health, Education, Transport, Agriculture, Defence, Industry and the Office of the President.

181. On 5 February 1993, the internal rules of the Democratic Constituent Congress were adopted, establishing among its commissions the Pacification and Human Rights Commission, whose role is to secure the fundamental and constitutional rights of individuals.

182. Despite all the existing human rights legislation, non-governmental organizations are allowed to operate in this area without any form of restriction.

REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

ARTICLE 1

Peruvian women today: basic statistics

1. Peru's female population consists of 11,091,981 women, or 50.3 per cent of the total population, which was 22,048,356 according to the 1993 census. The number of women residing in urban areas is 7,852,110, or 70 per cent of the total.

2. As a result of centralization and patterns of migration and urbanization, 41 per cent of the urban female population (3,243,782), and 29 per cent of the total female population is concentrated in the Lima-Callao metropolitan area.

3. A breakdown by age group reveals that 36 of every 100 women are girls under 15 years of age, 21 are young women aged 15 to 24, 38 are adults and 5 are over 65 years of age, which shows that 57 per cent of the female population consists of very young people.

Implementation of the principle of non-discrimination against women.

4. Discrimination is the relegation of women to set traditional roles predetermined by cultural prejudices which largely prevent them from fully developing their potential and participating actively in society beyond their role of mother and homemaker. The gap between women's achievements and participation and those of men is the result of functions imposed by society on the two sexes and not of biological differences. The need for women and men to work together to achieve equality, peace and development has therefore given rise to expectations. In the 1990s, this attitude has resulted in the gradual incorporation of men in activities for the advancement of women and of groups of women in negotiations and discussions involving both sexes, thus creating broader social bases for women to emerge from their marginalized position.

5. The position of Peruvian women at the start of this decade was an improvement over their past situation, in terms both of their involvement in public affairs and their access to services. The improved visibility of women in the social, economic and political life of the nation is creating the foundations for a new image for women and recognition of their role in social affairs, including the struggle against poverty and for development and peace.

6. Women as a group are better educated; girls are able to attend school nearly on an equal footing with boys. Around 50 per cent of primary school students are girls, and young women constitute 40 per cent of students at university.

7. As regards health, women have a better understanding of and involvement in issues relating to their reproductive health.

8. In respect of employment, women have good prospects and improved opportunities for entering the job market, and the right to vote has been given to illiterates.

9. The emergence and consolidation of feminist organizations and women's rights groups has made a significant impact.

10. The administrative and managerial experience and negotiating skills acquired by women in grass-roots organizations has created a new type of leadership.

11. The fact that family violence, which affects primarily girls, boys and women, has been brought into the open, and the promulgation in December 1993 of the Domestic Violence Act, have been positive achievements.

12. The establishment in October 1993 of the Standing Commission on Women's and Children's Rights filled a three-year gap that began with the dissolution of the Ad Hoc Commission on Women's Rights.

13. Nevertheless, Peru has faced enormous difficulties that have affected women in particular, including chronic poverty and a deterioration in the quality of life. Adverse social, economic and political phenomena have touched everyone, men and women alike, and the schooling of young girls and boys has been restricted. Women were forced to cope with domestic tasks under more difficult conditions and took new steps to augment the family income; as they entered the economy during a period of recession and prolonged their working hours, their overall health suffered. In addition, the influx of adult women into the job market caused responsibilities to be transferred to young girls and adolescents who have become "little mothers", with the absence and/or limited participation of male adults in household tasks and family responsibilities.

14. The terrorist violence that has displaced thousands of women, boys and girls is an extreme manifestation of the events of this period. It is estimated that at least 120,000 families (approximately 600,000 individuals) have been displaced over the past 12 years. Thousands of women have become heads of households (78 per cent of heads of displaced families are women) because their spouses have died or abandoned the family. Women's responsibilities and workloads have magnified; they have been subjected to racism, been brutally uprooted from their homes and have lost their homes and possessions. Fifty-four per cent of the women was displaced within the departments where they originally resided, while 46 per cent was displaced towards other areas.

15. It is likewise important to consider gaps and inequities in the quality of life of the various population groups on the basis of geographical location or place of residence. Metropolitan Lima offers advantages over the rest of the country, and urban settlements are preferable to rural ones. The limited knowledge of the community and women themselves about national and international legislation on women's rights must be taken into account, as must the adverse impact of cultural prejudices which confine women to traditional roles in the private sphere (domestic tasks and care of the family). Finally, the lack of research on the situation of women in various social and eonomic spheres and the scarcity of gender-disaggregated information are likewise a cause of concern.

16. In terms of legislation, article 2, paragraph 2, of the Peruvian Constitition states that "Every person shall have the right to equality before the law. No one shall be subjected to discrimination on grounds of origin, race, sex, language, religion, opinion or economic status or on any other grounds".

17. In addition, article 4 of the Civil Code provides that "Men and women shall have equal opportunities for the enjoyment and exercise of civil rights".

18. Finally, there are gaps among women themselves linked to their geographical location, socio-economic level and political participation, as well as their cultural and racial origins. These differences have created groups that are marginalized and disregarded.

ARTICLE 2

LEGAL AND INSTITUTIONAL FRAMEWORK FOR THE IMPLEMENTATION OF THE CONVENTION

19. The vestiges of discrimination against women in legal matters have for the most part been erased. Action to improve the suitability, application and dissemination of the legislation has been initiated.

Constitutional legislation

20. The Peruvian Constitution, which entered into force on 31 December 1993, proclaims the right of all persons to equality before the law. It indicates that no one shall be subjected to discrimination on grounds of origin, race, sex, language, religion, opinion or economic status or on any other grounds (article 2, paragraph 2).

21. Article 4 of the Constitution provides that the community and the State shall give special protection to abandoned children, adolescents, mothers and elderly persons.

22. Article 23 states that employment, in all its aspects, shall be given priority attention by the State, which shall provide special protection for working mothers, minors and disabled persons.

23. Among the principles governing labour relations, article 26 mentions equality of opportunity without discrimination.

24. Finally, it should be noted that in 1955, women aged 21 and over and married women above the age of 18 who were able to read and write were given the right to vote. The 1979 Constitution extended the right to vote to all women over age 18, literate or illiterate, and this rule remains in force in the present Constitution.

Civil legislation

25. One of the first provisions of the current Civil Code states that "Men and women shall have equal opportunities for the enjoyment and exercise of civil rights" (article 4).

26. It is also noteworthy that the Civil Code of 1984 introduced an important change connected with the equality of men and women in arbitral matters. Article 551, para. 2, of the Code of Civil Procedure stated that only men could be appointed as arbiters. In conformity with article 2, para. 2, of the 1979 Constitution, article 1916 of the 1984 Civil Code did away with this unjust impediment to the service of women as arbiters; it was itself overriden by the entry into force of Act No. 25935, General Arbitration Act, article 20 of which reaffirms the removal of the above-mentioned restriction.

27. Individual relations among spouses, parental authority and guardianship will be covered in the context of article 16 of the Convention.

Legislation on Civil Procedure

28. The Code of Civil Procedure promulgated on 27 July 1993 abrogated Act No. 1510 of 1911, which had regulated the Code of Civil Proceedings formerly in force. A number of regulations that discriminated against women's appearance in court proceedings were thereby overturned.

29. The current Code of Civil Procedure provides that when the conjugal union appears as the plaintiff, it shall be represented by either of the spouses. On the other hand, when the conjugal union is the defendant, representation is incumbent upon both spouses (article 65). The new Code is a step forward because previously, a

women needed the authorization of her husband or, failing that, judicial authorization, to appear in court proceedings.

Commercial Legislation

30. With the entry into force in July 1993 of the Code of Civil Procedure, a series of provisions restricting the commercial activity of married women were annulled. These discriminatory regulations in a Code of Commerce in force since 1902 indicated that a married women was dependent on her spouse in order to engage in commercial activity.

31. It is important to highlight the fact that the above-mentioned articles were explicitly declared null and void; although they had to be considered tacitly annulled with the entry into force of the 1979 Constitution establishing equality between men and women, the texts of these articles continued to be reproduced as if they were still in force, which was definitely not the case.

32. A clear expression of equality between the sexes was thus reaffirmed in commercial legislation by the explicit statement that the regulations that discriminated on grounds of gender were abolished.

Prison Legislation

33. The Penal Code promulgated in April 1991 repealed the earlier Code in force since 1924. The new Code had a new approach emphasizing the social reinsertion function of prison and replacing rigourous penalties by community service. It benefits women serving time in the country's prisons.

34. The provisions of the Penal Code dealing with women include one indicating that anyone who knowingly murders a progenitor or descendent, whether natural or adoptive, or a spouse or companion, is subjected to a custodial sentence of a minimum of 15 years (art. 107 PC).

35. A mother who kills her child during childbirth or in the prepartum period is subjected to a custodial sentence of a minimum of one year and a maximum of four or to community service for a period ranging from 52 to 104 days (art. 110 PC).

36. A woman who aborts a foetus or is aware that another person is doing so is subjected to a custodial sentence of a maximum of two years or to community service for a period ranging from 52 to 104 days.

37. A person who practices an abortion with the consent of a pregant woman is subjected to a custodial sentence of a minimum of one and a maximum of four years. If the woman dies and the agent of abortion could have prevented her death, the penalty is a minimum of two and a maximum of five years (art. 115 PC). It is important to note that consent must be given by a woman who is free and in full possession of her capacities, and that such consent does not exonerate the abortioner.

38. A person who forces a woman to abort without her consent is subjected to a custodial sentence of a minimum of three and a maximum of five years. If the woman dies and the agent of abortion could have prevented her death, the penalty is a minimum of five and a maximum of ten years (art. 116 PC).

39. Abortion performed by a physician with the consent of the pregnant woman or of her legal representative, where applicable, is not punishable when it is the sole method of saving the pregant woman's life or of preventing grave or permanent damage to her health (therapeutic abortion) (art. 119 PC).

40. A woman who feigns pregancy or childbirth in order to confer dubious rights on a fictitious child is subjected to a custodial sentence of a minimum of one year and a maximum of five (art. 144 PC).

41. A person who impregates a pregnant woman and abandons her in a critical situation is subjected to a custodial sentence of a minimum of six months and a maximum of four years, as well as to 60 to 90 fine-days (art. 150 PC). Assistance must be given to a woman who has been impregnated and abandoned in a critical situation jeopardizing her safety as well as that of the unborn child.

42. Article 208, para. 1, of the Penal Code: "Without prejudice to any civil compensation that may be provided, no penalty shall be imposed for theft, appropriation, fraud or damage committed among themselves by: 1) spouses and companions; and progenitors, descendents and other persons directly related to one another".

43. Prostitution and trafficking in women will be discussed in connection with article 6 of the Convention.

Administrative legislation

44. The Administrative Procedures - General Regulations Act adopted in 1994 replaced an earlier regulation that had been in force since 1967. Both the present Act and its predecessor make no reference whatsoever to the sex of citizens or individuals involved in administrative proceedings. There are around 80,000 provisions in all, so it is difficult to carry out an exhaustive analysis of administrative legislation.

45. The existence of Supreme Resolution No. 183-94-PCM, which approved the Budgetary Programme to Direct Basic Social Spending - Organizational Regulation, should be noted.

46. The purpose of this programme is to promote equality of opportunity for all the country's citizens, giving priority to selective action to benefit the needist sectors by improving the quality of coverage and the efficiency of basic social spending. It envisages basic social spending as expenditure for the provision of basic preventive health services, primary and secondary education and basic and supplementary legal services.

47. The programme's implementation is of special importance in so far as it will improve the status and protection of women by coordinating the treatment currently given to women not only in the legislative and political arenas but also in the implementation and effective development of programmes to benefit women.

Legislation on domestic violence

48. Act No. 26260, adopted in December 1993, approved the State and national policy regulations on domestic violence. This is arguably one of the most important provisions ever adopted to deal directly with the situation of women and their treatment under the law.

49. With a view to eradicating domestic violence, it mentions the possibility of carrying out a variety of activities, including the following: strengthening ethical values and respect for the dignity of the person and for the rights of women in schools and extracurricular education; implementing campaigns to disseminate information about women's rights; creating effective legal mechanisms for victims of domestic violence; establishing so-called "Police Commissioner's Offices for Women", likewise known as women's police offices, in the geographical areas where they are most needed; promoting the creation of shelters for victims of violence, etc.

50. The Act provides that the police, the Public Prosecutor and the judiciary are the bodies with competence to intervene concerning acts of domestic violence.

51. Through the police offices for women and minors, the police receive complaints and carry out preliminary investigations. To facilitate the submission of complaints to the police, forms have been issued enabling victims to make complaints without unnecessary complications or red tape.

52. Through the provincial civil prosecutor, the Public Prosecutor's Department must constantly strive to achieve the reconciliation of the couple and any other family members involved in a conflict. Representatives of the Public Prosecutor perform a supervisory function by regularly visiting police stations to investigate complaints concerning violence against women.

53. Finally, this Act regulates the processing by the judiciary of civil or criminal court cases to which acts of violence against women have given rise.

The Code of Children and Adolescents

54. This legislation, approved by Decree-Law No. 26102 of 24 December 1992, has been a major step forward in the protection of minors and of women as the mothers of minors and adolescents.

55. Throughout the legislation there are provisions that indicate that the woman is not without legal protection.

56. Among the provisions in the Code of Children and Adolescents that specifically identify women is Title I, article IV: "The present Code shall apply to all children and adolescents residing in the territory of Peru with no distinction whatsoever on grounds of race, colour, sex, language, religion, political opinion, nationality, social origin, economic status, ethnic group, physical or mental disability or any other condition applying to the child or adolescent or to his or her parents or guardians".

57. Title I, article V. "Under the present Code, the obligation to care for the child or adolescent is deemed to fall upon the mother and family of such child or adolescent". This provision is the cornerstone of protection of women. Under it, any assistance provided to a minor extends to the mother and to the minor's family.

58. Article 2. CARE OF THE MOTHER. "The State shall have the responsibility to guarantee, and society, to promote, the creation of appropriate conditions for the care of the mother during pregnancy, childbirth and the post-partum period, giving special attention to adolescent mothers and breastfeeding and the establishment of day care centres". This article indicates that care shall be provided for the mother before, during and after childbirth.

59. Article 6. ON THE NAME, IDENTITY AND NATIONALITY OF THE CHILD. "A child or adolescent shall have the right to a name, to Peruvian nationality and to know and be cared for by his or her parents. He or she shall be entered in the appropriate civil register by his or her mother or guardian immediately after birth. The district municipality responsible for the register shall effect the birth registry free of charge during an initial period of 24 hours. Should the registry not take place within 30 days, administrative inscription may be carried out in accordance with the provisions of Book Two, Chapter VI, of the present Code. The State shall guarantee this right through the creation of a single register of personal identities. In respect of the right to a name, the relevant provisions of the Civil Code shall apply".

60. Article 7. IDENTIFICATION. "The birth certificate shall include the fingerprints of the mother and the footprints of the newborn, as well as other information appropriate to the nature of the document". This provision establishes the procedure for identification of the newborn. The birth certificate must include both the fingerprints of the mother and the footprints of the child, as well as other information appropriate to the document.

61. Article 31, para. 3. ON HEALTH. "The State, with the cooperation and assistance of civil society, shall develop the necessary programmes to reduce mortality and prevent illness, educate the family on hygiene and sanitation and combat malnutrition, with priority to be given in these programmes to children and adolescents living in especially difficult circumstances and to pregnant and nursing adolescent mothers".

62. Article 81, para.1. PETITIONARIES. "In the event of the maternal and paternal orphanage of a child, lack of other relatives or abandonment by or ignorance of the child's progenitors, the birth registration may be requested by directors of protection centres, the children's ombudsman, directors of educational centres, the special children's judge or a representative of the Public Prosecuter, in conformity with the requirements set out in the articles above".

63. Article 83, para. c. SUSPENSION OF PARENTAL RIGHTS. "Parental rights shall be suspended in the following circumstances: (...) (c) Absence, established in accordance with the law, of the father or mother".

64. Article 91. PETITIONING. "A father or mother whose spouse or companion has forcibly removed his or her child or who seeks the recognition of his or her custodial or guardianship rights shall submit a petition to that effect, accompanied by an identification document, the birth certificate and relevant evidence". Custodianship of children and adolescents may be exercised by any person having a legitimate interest.

65. Article 98. VISITING RIGHTS. "A father or mother whose right to visit his or her child has been restricted or limited shall submit the appropriate petition, accompanied by a birth certificate attesting to his or her direct kinship".

66. It is also important to highlight the topic of **violence against women**, in all its forms.

67. A new type of violence against women has flared up over the past decade: terrorist violence, manifested in murder, torture, rape and displacement. The main arena of the violence has been the southern Sierra and central parts of the country; in the jungle, it has been compounded by the impact of drug trafficking and seriously affects not only peasants but also the indigenous population.

68. Domestic and sexual violence are the most serious manifestations of violence against women. A law was adopted to combat domestic violence in 1993. The first women's police office was established in 1989 and others have been set up in 7 departments at the initiative of the women's movement. Nevertheless, threats to and harm suffered by women remain a fact of daily life and call for appropriate application of regulations.

69. The number of women affected by domestic violence is difficult to determine, owing to lack of reporting, under-reporting and inadequacy of official records.

70. In 1993, the women's police office in Lima recorded 4,500 complaints of physical abuse of women by their spouses. In other cities, there have been half as many complaints or less, a function partly of their smaller populations but also of greater difficulty of access to institutions where complaints may be lodged. Available statistics reflect only a portion of the cases of domestic violence: as is pointed out in the report of the special Senate Committee on Violence and Peacemaking (1988), only one fifth of the women subjected to violence submit complaints about it.

71. From August 1988, when the Lima women's police office began operating, to 1993, 21,425 complaints of physical abuse were recorded. An average of four thousand complaints have been received every year since 1989.

72. The majority of the complaints submitted to the police relate to acts of violence committed in the home by spouses or companions, ex-spouses or ex-companions, or individuals who have engendered children but have not lived with the woman. In 54 per cent of all the complaints submitted from 1991 to 1992, the aggressor was the victim's spouse and in 40 per cent, the companion.

73. Eighty-three per cent of the complainants are aged 20 to 39 and 69 per cent are from lower income groups. Although violence affects women from all social strata and employment situations, those who have no independent income are at greater risk of mistreatment. According to statistics on Lima and a major city in the interior of the country (Arequipa), around 60 per cent of complainants are housewives, while 20 or 25 per cent are mid-level officials or professional workers.

74. Concerning the causes of violence, 68 per cent of the complaints recorded by the police commissioner's office for women in Lima gave the cause of the mistreatment as family problems and lack of understanding, followed by 15 per cent, jealously and infidelity, and 13 per cent, economic problems.

75. The majority of the aggressors had not consumed alcohol or drugs at the time of their actions. In Lima, less than 26 per cent of the aggressors were inebriated or on drugs, the figure being 36.5 per cent in Arequipa. Women subjected to violence suffered various forms of psycho-social damage: among young people, it restricts the possibilities for future development, has an impact on creative capacity and reduces opportunities.

76. An important step forward from the legal standpoint is the recent adoption, in 1993, of Domestic Violence Act No. 26260. This Act has no precedent whatsoever in Peruvian legislation. It was propelled forward and negotiated by women parliamentarians and feminist institutions that worked together from the late 1980s to develop draft legislation against domestic violence.

77. The central objective is the eradication of domestic violence, both physical and psychological, through a number of initiatives: educational and consciousness-raising campaigns; introduction of effective legal mechanisms for victims and treatment for aggressors; establishment and reinforcement of police commissioner's offices for women (Comisarías de Mujeres); institution at municipal level of temporary shelters; training of members of the police force, prosecutors and judges and investigation of the causes of domestic violence.

78. To give effect to this legislation, criteria must be established for evaluation of the psychological damage suffered by victims and allocation of appropriate State and municipal funding. These issues remain pending.

79. The Government's concern has centred mainly on the establishment of police commissioner's offices for women staffed by women police officers to receive complaints by women of abuse, sexual violence and domestic violence in general.

80. The first women's police office started its activities in August 1988 in Lima. Subsequently, from 1992 to 1994, similar bodies were established in 11 provinces throughout the country. Unlike other police departments, the women's police offices are backed up by legal, psychological and social services and strong support is given by feminist non-governmental organizations (NGOs).

81. In June 1994, women accounted for 9.5 per cent of the operational staff of the national police. Women were first recruited in the late 1970s, with such recruitment increasing after 1978 and the establishment of the school for women police officers within the Civil Guard.

82. The role of women police officers in the women's police offices has been restricted by the small number of members and insufficient assignment of members to the delegations. The school for women police officers was closed from 1988 to 1992. In 1992, there were 46 women police officers in the Lima women's police office, but in 1993, their number was reduced to 30.

83. Despite their potential, it is estimated that the women's police offices have been an option in only about 20 per cent of cases of domestic violence. From 1989 to 1993, the number of women who submitted complaints to the Lima women's police office remained virtually unchanged at around 4 thousand a year.

84. A large number of women do not submit complaints for lack of proximity or because of the cost of the procedures (expenditure for the report of the criminal pathologist). Others stop the proceedings because they feel the solutions offered by the legislation and the authorities do not meet their needs (refuge, occupation, family responsibility) or their expectations for solutions.

85. The legal relationship with the spouse appears to affect the woman's decision on whether to complain of abuse. Married women submit complaints more frequently, this being true both in Lima and the provinces.

86. In 1985, with support from the municipality of Lima, a municipal home for women was established for the purpose of assisting women victims of violence. It is still in operation, though there are major limitations on its infrastructure and resources.

87. Since 1991-1992 offices for counselling and consultation on women's problems have been available in some municipal districts of Lima such as San Borja, Lurín and Vitarte.

88. Three feminist institutions (Manuela Ramos, Flora Tristán and DEMUS) have legal services that provide specialized assistance on cases of domestic violence. Two of these services were established in 1979, and the third, in 1988. These institutions have offices for legal aid to women on the premises of the Lima women's police office. There are other NGOs with similar objectives in the provinces (ILDER in Arequipa, Women's Group in Chiclayo, etc.)

89. In addition, two NGOs in Lima have undertaken the training of women in such grass-roots activities as guidance counselling (Manuela Ramos) and legal promotion (Peru-Women Association) in order to meet the requirements for information and direct support outlined by women.

90. There are currently two shelters for women operating in Lima, the "Home for Supporters of the Catholic Church" and the "Woman's Voice" shelter; the second was established in 1984 and has provided refuge to 2,600 women over the past ten years. Both institutions have a relatively small admittance capacity: they can take in only eight people at a time.

91. Initiatives are under way to set up shelters in four provincial cities (Ica, Arequipa, Tarapoto and Cuzco). The Catholic Church also provides refuge to young women in Lima and Trujillo.

92. The recent Domestic Violence Act gives municipalities the responsibility for the establishment of temporary shelters for mistreated women.

Sexual Violence

93. From 1981 to 1991, the police recorded 55,600 complaints of sexual violence, meaning rape, seduction and indecent acts (CUANTO, 1992). These complaints are estimated to represent only 10 to 30 per cent of the sexual violence actually committed.

94. Although sexual violence is committed against both women and men, offical and unofficial reports show a higher incidence of such offences against adult women, boys and girls.

95. The most serious manifestation of sexual violence is rape. It is difficult to determine the number of women affected. The feminist organization Manuela Ramos, which deals with cases of sexual violence, estimates the number of rapes of women to be close to 25,000 a year.

96. Two groups of women are particularly vulnerable to rape: girls and peasant women in emergency zones. This remains a major problem, in view of its gravity and despite the steps taken by the State. Sexual discrimination combined with ethnic discrimination - since the majority of the women raped are from the Sierra region - have meant that silence prevails.

97. Sixty per cent of pregnancies among girls aged 12 to 14 are the result of incestuous relations or sexual violence committed by family members or persons close to the family (Vásquez, 1993).

98. Both the legal system and steps taken by the State and society have not been sufficient to prevent and punish the various forms of sexual aggression against women, boys and girls. Mechanisms for assistance are centred in the legal and social counselling services of feminist NGOs, which number no more than three in Lima.

99. The responses provided by the Peruvian legal system include expansion or reduction of the penalty based on the victim's age and even allow the aggressor to be exempted from punishment if the victim agrees to marry him.

100. With regard to participation in the judiciary, the presence of women in legal decision-making bodies greatly promotes better understanding of the problem of violence against women. The Supreme Court, the highest body of the Judicial Branch, counts two women out of a total of 24 members. In the High Courts women account for 20 per cent and have a greater impact by serving as judges than as presidents or magistrates. Women's representation in the judicial branch has improved since 1986: the number of women who hold positions has increased throughout the branch, except in the Supreme Court.

CONSEQUENCES OF TERRORIST ACTIONS

101. The principal agent of violence has been the terrorist group known as the Communist Party of Peru - Sendero Luminoso (SL), which launched its armed actions under the leadership of Abimael Guzmán in May 1980 in Ayacucho, one of Peru's most impoverished departments. The group's implantation in both the countryside and the city grew steadily, until it controlled a number of zones throughout the national territory. It was reinforced after 1987 with an influx of drug trafficking money, the result of an alliance with cocaine dealers from the Alto Huallaga valley (located in the Peruvian jungle). Abimael Guzmán was captured in September 1992, together with other top leaders of the organization. As a result of these captures and thanks to the anti-terrorism policy, particularly the Ley de Arrepentimiento (Repentance Act), the terrorist activities of Sendero have receded.

102. The second agent of violence is the Tupac Amarú Revolutionary Movement (MRTA). Less formidable than the first group, it launched its activities in 1984. It was heavily implanted in the Central Huallaga Valley, where it established an alliance with drug traffickers. It also carried out raids in the central Sierra region and Lima. It is now in the process of disintegration.

103. About 10 per cent of the members of the armed forces are women, but they are not assigned to armed interventions.

104. The phenomenon of extreme violence has had serious repercussions for the population in general and for women in particular.

105. By staying in communities exposed to violence, peasant women have been subjected to robbery, looting, crime, torture, the burning of crops, sexual abuse, etc. Women and girls from the native territories of the central jungle region have borne the greatest impact of the violence practiced by terrorist groups (Peru: National Report on Women, Agriculture and Rural Development).

Victims of terrorist violence

106. Of the total number of victims of terrorist violence in the period 1982 to 1993, 6 per cent, or around 1,000, were women. The remaining 94 per cent were men.

107. Most of the women victims were civilians (76 per cent); 24 per cent were terrorists, and there was one death in 14 years among members of the armed and police forces, since women are not assigned to armed interventions.

108. Women represented 12 per cent of the civilian population that succumbed to violence from 1982 to 1993 and 17.7 per cent in the period 1992 to 1993.

109. When reference is made to civilian deaths, these were primarily peasant men and women who died during the first years of terrorist violence, during which entire villages were massacred. It must be recalled that in the first five years, terrorist activity was centred almost exclusively in rural areas. The highest death toll among the civilian population was from 1984 to 1985 (over 2,000); 13 per cent were women.

110. After 1986, while the peasants continued to be the main victims, other sectors of the civilian population (professional workers, politicians and leaders, housewives, shopkeepers and students) were likewise affected.

111. In 1992-1993, when Sendero Luminoso's activities expanded to encompass the city, the number of women victims was greater than in the rest of the decade (18 per cent of the civilian population): it included peasant women (50 per cent), housewives (18 per cent), professional workers (13 per cent), students (6 per cent) and leaders of grass-roots organizations from urban neighbourhoods (6 per cent).

Sendero and women's grass-roots organizations

112. With the installation of Sendero Luminoso in the shanty towns of Lima, women leaders of women's organizations became the targets for terrorist attacks. From 1990 to 1993, Sendero assassinated 11 women leaders, 16 per cent of all the leaders who were killed in political violence. Among them was María Elena Moyano, leader of the Federación Popular de Mujeres in Villa El Salvador and a tenacious opponent of Sendero's violent actions.

Women displaced by terrorist violence

113. From 1983 to 1992, around 600,000 persons, or 120,000 families, were forced to migrate. Fifty-four per cent moved within their departments, while 46 per cent migrated elsewhere. The displaced population is currently located mainly in the outskirts of Lima, the cities of Junín and Ayacucho in the Sierra region, the coastal department of Ica and the central jungle region.

114. The displaced population is marked by having been uprooted and having experienced extreme poverty and racial and cultural marginalization. These disadvantages, and the reduction in terrorist violence, have meant that repatriation to the place of origin is the preferable solution for just over half of all displaced persons (Coral, 1994). For displaced persons from the jungle ethnic groups, such as the Ashaninkas, repatriation is essential to material and cultural self-defence.

115. Some groups have already returned to their communities, but the following major problems have emerged:
a) the need to reconstruct ravaged areas (infrastructure, economy, social organization);
b) the limits of security mechanisms, which principally consist of peasant self-defence patrols coordinated with the armed forces;
c) the tension and suspicion generated by past violence.

Displaced women

116. It is women who are most frequently subjected to forced displacement. Though there are no nationalwide figures, a number of sources (Tamayo, 1992 and CEPRODEP, 1992) point to a majority of women in the displaced population.

117. Seventy-eight per cent of heads of household in displaced families are women. Many of them have taken on this role after the death, disappearance or recruitment of their spouses or, having migrated together with their spouses, after having been left alone by their spouse's subsequent abandonment, separation or death. The figure is higher among women who migrated within their department of origin than in the case of those who moved from one department to another.

118. Displacement has had grave consequences for the lives of these women:
a) Lack of protection, insufficiency and disappearance of the rights that devolved from the spouse, considered the head of the family;
b) Work overload: they have more tasks and roles to fulfil, compounded by the increased abuse and danger derived from their position as displaced persons;
c) Suspension of health care, despite the physical and psychological toll taken on them;
d) Difficulty in participating in organizations owing to their many tasks, use of native languages and their frequent lack of reading and writing skills;
e) Male guardianship: Documents tend to be provided for men, who usually restrict their spouses' freedom of movement and participation in organizations; these displaced women are accustomed to forming a couple or having sexual relations for protection's sake, and not of their own volition;
f) Hostility and indifference in the new environment, turning women into the subject of jokes and the object of scorn, abuse and aggression (Tamayo, 1992).

119. Nevertheless, in some cases displacement has apparently led to an improvement in the situation of women with their incorporation into the world of work and into women's grass-roots organizations. This is feasible as a function of internal displacement, where the problems of ethnic and cultural marginalization are relatively minor. Coral (1994) stresses the greater sense of initiative and legitimacy acquired by displaced women when they transcend their traditional roles and become head of the family and/or interlocutors of State and societal institutions. This is the case with the women from Ayacucho who make up the Federation of Mother's Clubs, 40 per cent of whom are displaced persons (around 30,000 women).

Disappeared persons

120. In ten years of terrorist violence (1983-1993), there were 3,220 recorded cases of persons allegedly detained or disappeared, and 12 per cent of these were women. Seventy-one per cent of them have not been found.

121. According to APRODEH, 89 cases of detention or disappearance were reported in 1993, 9 of them involving women; they have not been found. According to the same source, the number of detained or displaced persons has considerably declined in comparison with the previous year, when 391 cases were reported.

Women in Sendero Luminoso

122. Women are active in Sendero Luminoso principally by fulfilling logistical, political, operational and military functions (Mavila, 1992). Sendero states that 40 per cent of its members are women (Kirk, 1993).

123. According to statistics from the National Penitentiary Institute, 14.4 per cent of those in prison for the crime of terrorism from 1986 to 1990 were women. In 1993, when many important captures were made, the proportion reportedly increased to around 33 per cent (Kirk, 1993).

124. In 1990, the crime of terrorism was the second cause of incarceration of women (12 per cent of the female prison population), after illicit drug trafficking (62 per cent).

125. Terrorist women have a higher level of education than their male counterparts. A study carried out in 1989 showed that 56.7 per cent of the women convicted of terrorism had received some university education, and 10 per cent held a doctoral or postgraduate degree. Among the men, 31.4 per cent had some university education and 3.9 per cent held a doctoral or postgraduate degree (Chávez de Paz, 1989).

ARTICLE 3

MECHANISMS FOR THE PROMOTION AND ADVANCEMENT OF WOMEN

126. The Committee for the Revaluation of Women was set up within the Ministry of Education in 1972 during the regime of General Velasco Alvarado. Three other institutions were subsequently established within separate Ministries: in the Ministry of Justice (1983-1986-1994); the Ministry of Foreign Relations (1986); and in the National Planning Institute, where this body had the status of an advisory council (1986).

127. The institutions created within the Ministry of Justice and the National Planning Institute (INP) opened the door to the involvement of civil society, marking a trend towards the formulation of public, not just governmental, policy. It should be noted that these institutions were not integrated into higher decision-making circles and lacked the staff and financial resources to become a real springboard for the advancement of women, as they were limited in their ability to carry out promotional activities, monitor policies, mobilize resources and connect with grass-roots organizations. They remained in existence for intermittent, generally short, periods.

128. On the other hand, the Ad Hoc Commission on Women's Rights established in 1986 made two outstanding contributions: first, the creation of the women's police offices, the first mechanism for demanding the implementation of certain rights in Peru; and the second, a new exercise in policy formulation in which women working for the advancement of women were convened to carry out analyses and to discuss specific proposals.

129. The Standing Commission on Women's and Children's Rights, established within the Ministry of Justice in 1994, has filled the vacuum created by the dissolution in 1990 of the earlier Commission.

130. The institutions of civil society had a major impact in the country's capital. In the first half of the 1980s, their activities expanded to cover the entire nation.

State mechanisms

131. At present, the State institution for policy formulation and monitoring is the Standing Commission on Women's and Children's Rights within the Ministry of Justice. The State also has proposals, plans and programmes relating to women, there being a distinction between those that are now operational and those that were in effect for many years.

National institutions that are now operational

Standing Commission on Women's and Children's Rights

131. This is an institution of the National Council for Human Rights, which answers, administratively and operationally, to the Higher Directorate of the Ministry of Justice (the Minister), and budgetarily, to the National Directorate for Legal Affairs in the above-mentioned sector. It was established in January 1994 for the purpose of carrying out studies and research on the existence, promotion and full exercise of women's and children's rights and to propose to the National Council for Human Rights legislative and other measures for realizing these objectives. It also has the functions of developing and proposing mechanisms for coordination with national and international organizations involved in the promotion of the rights of women and children and of disseminating information on this subject.

132. The Commission is currently headed by a Vice-Minister representing the Minister of Justice, who in return represents Peru in the Inter-American Commission of Women. This Commission brings together representatives of various institutions of State and civil society, including the Catholic Church, private companies, women's NGOs represented by the Women's Consortium and organizations dealing with children's rights.

133. At the national level, the National Population Council has created a number of regional population councils, bringing together representatives of civil society and the State to define population policies, and women are represented in these organs.

PLANS AND PROGRAMMES

National Programme for the Advancement of Women, 1991-1995

134. This is one of the seven subprogrammes making up the National Population Programme of the National Population Council (CONAPO). Its implementation is the responsibility both of the State and of the institutions of civil society which promote it through the national network for the promotion of women.

135. The programme was elaborated at the end of the previous Government's term (1985-1990) with the assistance of State representatives as well as professional women and women's organizations convened by CONAPO. The process of formulating the programme was a useful experiment involving nationwide consultation and the participation of women's organizations.

136. Its general objectives are: a) To promote awareness at national level of the current situation of discrimination against and subordination of women; b) To promote the integration of women under conditions of freedom and equality of rights, duties and opportunities and without gender discrimination at all levels and areas through their aware and organized involvement; and c) To create and support an autonomous system to link women's organizations and groups at national level.

137. To achieve these general objectives, specific targets were set in nine crucial areas: family life, productive activity, housing, education and culture, health, violence against women, political participation, the image of women in the mass media and information on women.

Ongoing sectoral programmes

Ministry of Health

138. It has programmes aimed at maternal and child health (perinatal and maternal and child health); family planning programmes; development programmes on women, health and development; and programmes on the health of schoolchildren and adolescents.

Ministry of the Interior

139. It oversees the women's police offices that deal with cases of domestic violence.

Ministry of Education

140. The Wawahuasis programme (community education homes) is carried out by the Ministry of Education and the National Institute for Family Wellbeing (INABIF) with the assistance of the United Nations Children's Fund (UNICEF) and funding from the Inter-American Development Bank (IDB). It has been operating since 1994 with the following objectives: a) To care for, entertain and feed children properly while their mothers are working; b) To faciliate the tasks of women who work or would like to work; and c) To give paying jobs to women involved in child care/education and those who help to organize the people's restaurants. The goal is the establishment of 5,000 Wawahuasis nationwide by the year 1995.

141. The Programme for Life is carried out jointly by UNICEF and the Ministry of Education. It is a module comprising literacy, health awareness, nutrition and income generation and is aimed at women's organizations in three departments of the Sierra region: Ayacucho, Apurímac and Cusco.

Ministry of Agriculture

142. The Land Titling Programme (PET) grants women the right to hold property when they are directly responsible for its management.

143. The Project for Promotion of Technology Transfer in Peasant Communities of the Sierra (FEAS) is carried out in five departments and has been able to involve women in agricultural extension and small-scale fishing.

144. Coordination of the technical cooperation network for organizations and institutions for the promotion of rural women, sponsored by the Food and Agriculture Organization of the United Nations (FAO) and comprising public, private and technical cooperation bodies.

Ministry of Fisheries

145. A project for small-scale fishing that provides women with training and loans.

Ministry of the Presidency

146. The National Programme for Food Aid (PRONAA) was established in 1992 and is active in many areas of the country. It seeks to improve the nutritional level of the most impoverished groups through the provision of foodstuffs. It receives funding from the Public Treasury and international cooperation, being the counterpart of food projects sponsored by the latter.

147. Family planning, maternal and child health and prevention programmes are sponsored by the National Compensation and Social Development Fund (FONCODES).

148. During the period 1980 to 1985 intensive activities were carried out by COOPOP to dynamize programmes on child and family care. Women took part in "family kitchens" as health promoters, providers of basic education and beneficiaries of training activities and some production workshops. COOPOP is currently operating as part of the State apparatus.

Ministry of the Presidency and municipalities

149. The ""glass of milk"" programme has been in operation since 1984; it is coordinated by the municipalities and the ""glass of milk"" committees and is funded by the above-mentioned ministry. Established upon the initiative of the municipal governments (1983-1986), it is nationwide in scope. Its objective is to provide a glass of milk every day to children under six years of age and to pregnant and breastfeeding women. Since 1986 this programme has been officially incorporated in the national budget. From January to August 1992, it accounted for 27 per cent of the total budget allocated to poverty alleviation programmes, the equivalent of 35 million soles.

National Institute for Family Wellbeing - INABIF

150. The Institutional Programme for Teenage Mothers provides assistance and protection to abandoned teenage mothers and their children, aiming at the integral development of both mother and child through services specifically geared to this objective. It assists teenage mothers aged 12 to 17 and their children.

151. The Wawa Wasis programme (Quechua term for children's home) promotes physiological, psychological and social care for children under four years of age through day care centres for children in marginalized urban areas whose mothers work. Four hundred such centres are administered by INABIF nationwide.

152. The Community Centres for Life and Peace (CC VIPAZ) are located in marginalized urban and rural areas. There are currently 27 CC VIPAZ nationwide, 14 of them in Lima-Callao and the remainder throughout the country. These centres carry out integrated community service programmes (nutrition, education, health,

sanitation, legal counsel and recreation) and the development of self-management techniques (income generation through training in production and marketing and the creation of microenterprises).

Ministry of Labour

153. A sectoral committee created in 1992 is responsible for reviewing regulations on women's work. Since 1975 it has been carrying out studies on the female labour force.

Presidency of the Council of Ministers

Plan of Action for Children

154. This body is responsible for improving the efficiency and coverage of services in the areas of maternal and child health, nutrition, water supply, basic education and assistance to women with a view to increasing their chances for self-defence, development and protection.

Peruvian Social Security Institute (IPSS)

155. This independent public entity carries out the family planning programme.

Organizations and programmes in operation during the past decade

156. A number of State institutions and programmes began or ceased operating during the past decade. Their predecessors were the Committee for the Revaluation of Women (1972), which had the objective of formulating policy for multisectoral efforts to promote the revaluation of women, and the National Commission for Peruvian Women (1974), which united all women's organizations in an office for the conduct of research, the implementation of promotional activities and the handling of legal issues.

Machinery at the national level

Ministry of Justice

157. The Office for Women was established in 1983 for the purpose of coordinating, among the various sectors and with international assistance, governmental efforts to benefit women. It was also to have been the National Secretariat for Women. It has since been abolished.

158. The Ad Hoc Commission on Women's Rights, whose objective was to promote mechanisms for guaranteeing the exercise of women's rights in Peru, engaged primarily in the following activities: i) dissemination of materials and information on the rights of women; ii) legal aid and counselling within the women's police offices, police departments staffed exclusively by female police officers established in 1988 to give aid and protection to abused women and abandoned and abused children; and iii) policy formulation.

159. The Standing Commission on Women's and Children's Rights established in October 1993 under Supreme Decree No. 038-93-JUS is still functioning.

Ministry for Foreign Affairs

160. The Office for Women's Affairs was established in 1988 and subsequently expanded its functions to cover children's issues as well. For that reason it was renamed the Department of Women's and Children's Affairs. Following the restructuring of the Ministry for Foreign Affairs, this Department became the Office for Women's and Children's Affairs, and it is still functioning in the above-mentioned fields, providing support to the bodies of the United Nations, the Organization of American States and the Chancellery of Inter-American Affairs.

National Planning Institute (independent public institution)

161. This Institute established an advisory council for the promotion of women which was made up of women from various sectors of public administration and from NGOs for the purpose of developing public policy for incorporation in development plans.

Sectoral and multisectoral programmes

Ministry of Education

162. The programme for demographic education, which was given advisory services by UNESCO, was set up in 1983 with the objective of promulgating in both primary and secondary schools the idea of equality between men and women.

163. In 1987, the Committee on Population, the Family and Women was established as an advisory body to the Ministry of Education.

Ministry of Agriculture

164. Programmes for food distribution to organized women's groups through the National Office for Food Aid (ONAA), currently part of PRONAA.

165. A number of food aid programmes were carried out through ONAA, many of them with donations from the United States Agency for International Development (AID), European economic cooperation and assistance from other contributors. Noteworthy among these programmes is the project for integrated nutritional development (PRODIA), using foodstuffs donated by AID through the Cooperative for Assistance and Relief Everywhere (CARE).

Ministry of Labour

166. A pilot project for promotion of women's economic activities in one urban and one rural area.

Ministry of Health

167. The National Programme for Family Planning and maternal and child health care programmes.

National Population Council

168. During the governmental regime of 1985-1990, the Programme for the Advancement of Women and Strengthening of the Family was established. It has become the present national network for the advancement of women and is operating independently.

Presidency of the Republic

169. Direct Assistance Programme (PAD). This was directly administered by the President of the Republic (1985-1990) and carried out three types of activities: people's canteens, production workshops and basic educational centres through the mothers' clubs. These clubs are presently administered by PRONAA (National Programme for Food Aid).

170. In addition, programmes that were not originally intended for women but ended up involving primarily women were carried out, including the Temporary Income Support Programme (PAIT).

Other multisectoral programmes

171. The Food Aid programme for mothers and children (PAMI) was carried out by agreement with the World Food Programme and the United Nations Development Fund for Women. This was a comprehensive programme combining a women's literacy campaign, primary health care and a production component as a precondition for receiving food aid. It is now being carried out under PRONAA.

NGOs

172. Non-governmental organizations have been well represented in Peru since the mid-1970s. They are expanding just as the State's efforts are being restricted and external resources are being received from international cooperation.

173. In 1990, there were 703 NGOs, 57 per cent of them in the department of Lima. In 1993, 895 NGOs were registered throughout the country, 110 working on projects relating exclusively to women or inclusive of women in their action plans.

174. Of a total of 77 NGOs that work with women, 42 do so on an exclusive basis and 35 incorporate the situation of women into their programmes. The activities of these NGOs are mainly directed towards the promotion of grass-roots organizations (people's canteens, mothers' clubs, "glass of milk" committees), both in the country and in the city.

175. The principal areas of concentration in the past have been training in health and nutritional matters, management, leadership and handicrafts. In second place are activities designed to improve the productive capacity of grass-roots organizations (home garden plots, small animal husbandry, food preparation). Involvement in this type of production or income generation project has been increasing over this decade and has now become an area of priority.

176. A survey carried out among NGOs that make up the Network for Rural Women as well as those NGOs that, without being part of this Network, engage in activities involving rural women, has provided a general picture of the nature of their activities.

177. The principal objectives pursued by rural NGOs include: cultural diversity, income generation, rural development, irrigation and technical irrigation works, decision-making, literacy, organization and management. Many of these projects are short-term in nature and are carried out in certain departments on the coast and in the Sierra region; few are carried out nationwide.

178. Priority is given first to support for the organizations, then to rural development projects on production, output and income generation and projects devoted specifically to the cultural demands of women's groups.

179. The 1980s brought major changes in the nature of projects: some explicitly acknowledged women as social agent and beneficiary and others involved them without reference to their specific demands.

Networks and coordinating institutions

180. In the late 1980s, networks and coordinating institutions comprising non-governmental organizations, women's organizations and other bodies were created.

181. Eight networks made up of NGOs that work with women in such areas as food provisionment, health, education and the rural sector are currently operating in Lima.

Networks and coordinating institutions for Lima or based in Lima

National Network for the Advancement of Women

182. This is a non-profit-making institution that operates nationwide. It was set up in March 1990 at a meeting where the National Programme for the Advancement of Women was adopted. Its goal is to monitor the implementation of the National Programme for the Advancement of Women and to encourage activities for the promotion of women.

183. The following are considered to be the Network's functions: a) to advise central government institutions and those of regional and local governments on policies to overcome women's subordination and marginalization and on the implementation and evaluation of the Programme; b) to coordinate the implementation of the Programme with the responsible institutions of the central government and regional and local governments; c) to

provide advice and coordinate with the organizations of civil society involved in the implementation of the Programme; d) to mobilize and support women's organizations with a view to their participation in the National Network and in the implementation and evaluation of the National Programme.

184. It has a National Governing Council and macroregional and departmental coordinating units throughout the country.

National Network for Rural Women
185. Established in 1988, it is organized by the Flora Tristán Centre for Peruvian Women and comprises NGOs working in this field. It also coordinates with women in national peasants' guilds.

Women's Network for Grass-roots Education
186. Consists of five NGOs and is for the purpose of coordinating activities in this area. It is affiliated with the Latin American Council for Adult Education (CEAAL).

Women's Consortium
187. Made up of five NGOs for women or doing work with women (Manuela Ramos, Flora Tristán, CENDOC Mujer, Centre for Studies and Publications-CESIP and Peru-Mujer) for the purpose of joint management of large-scale projects.

Radio Coordinating Body
188. Comprises five NGOs (Manuela Ramos, Flora Tristán, Calandria, Micaela Bastidas-Trujillo and Amauta-Cusco) that have radio transmission programmes aimed at women.

National Human Rights Coordinator
189. Works on the subject of women as part of the population affected by the violence prevailing in the country.

Health Intercentres
190. A body for the coordination of NGOs working in the field of women's health.

Agro-alimentary working group
191. Made up of 19 private associations, many of which work exclusively with women or have programmes of work involving women.

Networks and coordinating bodies in other departments
192. A number of experiments are ongoing in the coordination of the work carried out by NGOs and women's organizations and groups in the departments of Piura, Lambayeque, Ancash, Tacna, San Martín, Ayacucho, Junin, Cusco and Puno.

193. Some of the initiatives originate in women's institutions and NGOs that have projects involving women and others have grown out of the creation of the National Network for the Advancement of Women (CENTRO, 1993).

Thematic groups
194. These are bodies for coordination on specific topics under the heading of women's issues; they were created for the most part in the late 1980s and comprise individuals from a variety of institutions who share working experiences and an interest in a subject. Most of them operate solely in Lima.

195. The major thematic groups include the Standing Forum on Women and Politics, which was developed by women's institutions as a forum for communication among women involved in the promotion of women and women holding political positions, especially those in Parliament.

196. There is also the Peruvian section of the Latin American Committee for the Defense of Women's Rights (CLADEM) which deals with the rights of women.

197. The working group on urban services and women in low-income groups (SUMBI) deals with women and social services and policies. It has been in Lima for nine years and has established similar groups in Cusco and Trujillo.

Family Planning Institutions

198. These provide information, advice, training and services in family planning. They do not necessarily have a gender perspective.

199. At the national level there are currently more than a dozen NGOs working in the area of family planning. A distinction may be drawn between those that promote only natural methods and are affiliated with the Catholic Church and those that promote all contraceptive methods. On the basis of their diversity of services and coverage, the following are noteworthy:

Support for Population Programmes (APROPO)

200. An NGO founded in 1983. It is currently nationwide in scope and carries out mass communication programmes (radio, television and press), marketing programmes (promotion of brands of contraceptives, chiefly pills) and telephone counselling.

Peruvian Institute for Responsible Parenthood (INPPARES)

201. An NGO founded in 1976. It provides family planning services and engages in research, education, training and information activities. Its scope extends to Lima and a number of departments in the interior.

Studies and/or education on population and gender

202. As a special type of academic training on gender issues, the Department of Social Sciences of the Catholic University offers a degree in gender studies (DEG) for professionals in a number of specialized fields.

203. Other institutions also engage in activities in the area of research and education on population and gender. Chief among them are:

204. The Standing Seminar for Gender Studies. It has the purpose of promoting research and academic debate on gender perspectives. It was sponsored by the Peruvian Association for the Promotion of Social Sciences (FOMCIENCIAS).

205. The Multidisciplinary Association for Population Research and Instruction (AMIDEP). Founded in 1977, it promotes education, information, training and communication on population. It publishes a periodical.

206. The Andean Institute for Population Studies and Development. Founded in 1980, it carries out theoretical and applied research on population and development.

207. The Population Studies Institute (IEPO). Created in 1984, it engages in research, training and family planning services. It is part of the Cayetano Heredia Private University.

ARTICLE 4

208. Since the promulgation of Act No. 2851, "Employment of girls and women by third parties", legislation has been adopted in favour of women to provide them with certain benefits. Among the special measures that may be applied in the area of women's rights are those aimed at protecting mothers.

209. With respect to the protection of mothers, article 45 of the 1979 Constitution stated that protection must be provided to working mothers. The same theme has been incorporated in the 1993 Constitution, which states in article 23 that the State shall provide special protection to mothers.

210. Pregnant women have the right to 90 days of leave, 45 before and 45 after parturition, and these days are, exceptionally, counted as actual working days and thus cannot be deducted from the total length of service. They are also counted as actual working days for the purpose of calculating vacation time. Mothers have the right to nurse a child for one hour each day during the infant's first year.

211. An additional benefit for working mothers, perhaps one of the most significant, is the nursery services provided for under articles 20 and 21 of Act No. 2851. Employers must make available, either on their facilities or in other facilities close to the workplace, a room specially adapted for the care of children by working women during working hours, but only for the child's first year.

213. Employers must provide nursery services whenever they have more than 25 women workers or employees who are over 18 years of age (Article 26 of the Supreme Decree dated 25 June 1921). Mothers with children in these services can use blocks of time not to exceed a total of one hour a day to nurse them. The time needed by the mother to reach the site of the nursing services is not included in the calculation.

214. This time period cannot be discounted from the mother's earnings, irrespective of the form of remuneration given for her work. It is also provided that if a pregnant women is dismissed by her employer solely on the grounds of her pregnancy, she may make a legal petition for the dismissal to be invalidated, and if the judge decides in her favour, she must be reinstated in her job immediately (articles 65 (e) and 71 of Legislative Decree No. 728).

215. If a women is dismissed in the three months preceding or following parturition, and irrespective of whether the dismissal is justified or not, the employer must pay an indemnity of 90 daily wages, without prejudice to any compensation that might be provided for in the employment contract (article 18 of Act No. 2851).

216. When the mother does piecework and is not paid for the hour to nurse her child provided for by law, the employer must pay her an indemnity and such bonuses or other remunerations as are envisaged for such work (articles 22 and 27 of the Supreme Decree dated 25 June 1921).

217. In respect of social security, an act promulgated on 16 July 1987 includes housewives and mothers in the social security scheme, to which end they must contribute 5 per cent of the minimum wage every month.

218. Under Decree-Law No. 22482, social security coverage has been expanded, and to this end, recipients are divided into two categories: compulsory and voluntary. The first includes those that have an employer, either in public or private economic activity (article 2 (a)). A woman worker or employee receives the benefits offered by this legislation on a compulsory basis.

219. These benefits consist of cash allowances for maternity and nursing. During the 90 days preceding and following parturition, the employer is obliged to pay the above-mentioned maternity allowance, which is due as

from 45 days preceding the birth and must continue to be paid for 45 days after the birth, providing that the recipient refrains from all remunerated work (article 28 of Decree-Law No. 22482).

220. This allowance is to be provided whenever the social security recipient has made at least three consecutive monthly contributions or four non-consecutive monthly contributions over the six months preceding the expected date of delivery and was enrolled in the Peruvian Institute for Social Security (IPSS) at least nine months prior to the expected date of delivery, except in substantiated cases of premature birth (article 19 of Decree-Law No. 22482).

221. The amount of the daily maternity allowance is equivalent to the average daily insured remunerations for the final four calendar months preceding the month in which the maternity allowance is first paid. If the total number of months is less than four, the average is determined on the basis of the total number of months insured (article 29 of Decree-Law No. 22482).

222. The above-mentioned allowance must be paid directly by the employer for subsequent reimbursal by the Peruvian Institute for Social Security (IPSS) (Supreme Decree No. 029-84-PCM and IPSS Directorate Accord No. 2, thirty-fifth regular session, 23 August 1984).

223. The Peruvian Institute for Social Security (IPSS) provides a nursing allowance for each child to an insured mother or anyone taking charge of her child in the event of her death. The allowance is provided in the form of milk coupons or in cash until the child is eight months old. The amount of the allowance is 25 per cent of one-thirtieth of the monthly minimum wage for metropolitan Lima. The allowance is payable even when the mother has engaged in salaried labour (articles 22 and 30 of Decree-Law No. 22482 and Supreme Decree No. 029-84-PCM).

224. The mother's right to request the maternity or nursing allowance in cash payments expires six months after the date of expiry of the period provided for each allowance - 90 days for the maternity allowance and eight months of age of the child for the nursing allowance (article 40 of Decree-Law No. 22482).

225. With regard to retirement, Decree-Law No. 19990, which defines the national pension system in Peru, establishes a woman's right to retirement as from 55 years of age. The same provision provides this benefit for men after 60 years of age.

226. On the other hand, article 4 of Decree-Law No. 20530 on the pension and compensation system for civil servants who have worked for the State and are not covered under Decree-Law No. 19990 states that a worker acquires pension rights after 15 years of real and remunerated service, in the case of a man, and after 12.5 years in the case of a woman. Article 5 of this Decree-Law states that severance pay and subsistence allowances shall be established on the basis of a maximum work cycle of 30 years for men and of 25 years for women.

227. In terms of restrictions, article 6 of Act No. 2851 indicates that women who are minors (i.e. aged less than 18) are prohibited from engaging in night work (from 8 p.m. to 7 a.m.). It must be specified that our legislation generally considers night work to be work done from 10 p.m. to 5 a.m.: this is stipulated, inter alia, in article 2, para. 1, of ILO Conventions Nos. 41 and 42, on employment of women during the night, to which Peru is a signatory.

228. Women who are minors are also prohibited from working on Sundays and public holidays [except] if employed in the following occupations:

a. Those run by the family itself with no involvement whatsoever of non-family members, and under the supervision and authority of their parents or guardians.
b. Domestic service.
c. Farming, as long as [no] running motors are used.

229. It is likewise prohibited for women who are minors to work in the following occupations (articles 19 and 20 of the Supreme Decree of 25 June 1921):

a. Sale of newspapers.
b. Sale of magazines and lottery tickets.
c. Shoe shining.
d. Distribution of programmes and pamphlets.
e. Sale of flowers and candies.
f. All other ambulatory occupations carried out in public places, excepting in kiosks and fixed stands.

Articles 12 and 17 of the Supreme Decree of 25 June 1921 also prohibit women from engaging in underground, mining and quarry work. Additional prohibitions:

a. Cleaning of moving machinery and running motors.
b. Construction, repair, cleaning and painting of buildings if scaffolding is required and the work is done at an altitude exceeding ten metres.
c. Loading and unloading of maritime vessels using cranes and derricks and involving excessive loads.
d. Metal foundry.
e. Use of circular saws.
f. Production, use or transport of flammable, explosive or toxic substances.
g. Any job at a site where explosive, flammable or caustic substances are produced, handled or stored in dangerous quantities or where powders or vapours that are toxic, irritant or hazardous to health are released.

230. Under the above-mentioned article 12 of this Decree, all other occupations which, in the opinion of the Executive, may be hazardous to health or public morals should be added to this list.

231. The regulations prohibiting women from engaging in work underground and in mines must be correlated with ILO Convention No. 45 concerning Employment of Women on Underground Work in Mines of all Kinds, which Peru ratified in Legislative Resolution No. 10195.

232. Other benefits and duties are also covered in Peruvian labour legislation:
1. Employers are obliged to furnish seating so that women may work in a comfortable position, such seating to be different from that reserved for the public (article 19 of Act No. 2851).

2. Women who do sewing work at home must receive a salary at least equivalent to an official daily wage of women employed in workshops. If the work is remunerated on a piecemeal basis, the official daily wage must be its equivalent (article 28 of Act No. 2851).

3. Public recourse may be taken against violators of Act No. 2851, which regulates employment of women by third parties. All institutions involved in the protection of mothers have the authority to take such action (article 30 of Act No. 2851).

4. Provincial institutions and provincial authorities are responsible for ensuring strict compliance with the regulations intended to benefit women, failing which, and following a medical examination that shows that the work is damaging to the woman's health, the highest political authority in the province, the judge of the court of first instance or the mayor may order a work cessation (article 31 of Act No. 2851).

5. The designation of any honor, academic grade, professional title, office, public function, job, employment or other vocational or labour activity, whatever its origin or level, shall be expressed, when it relates to women, in the feminine gender if such is grammatically possible (Act No. 24310).

6. The law takes account of the situation of domestic workers, who are protected by Supreme Decree No. 23-DT of 30 April 1957. Under Supreme Decree No. 002-70-TR, they are accorded the right to vacation time, compensation for length of service and a minimum rest period at night.

7. The Ministry of Labour and Social Advancement is responsible for periodically carrying out special employment programmes in the various employment categories. Among the potential beneficiaries of such programmes are women with family responsibilities, i.e. all women who, irrespective of their age or civil status, have family responsibilities and are prepared to do part-time or short-term work.

8. In this case, the programmes have to take account of the time available to these workers, their job qualifications, their socio-economic environment and their suitability for the jobs offered by enterprises as a function of fluctuations in market demand (articles 131 (a) and 134 of Legislative Decree No. 728).

9. Women workers and employees subject to the labour regime for private economic activity have the right to a salary increment of 25 per cent after 25 years of service to a single employer. After 30 years of service, the increment increases to 30 per cent of their salaries (Act No. 24504).
However, the Third and Final Transitional Provision of Legislative Decree No. 688 eliminated the increment for 25 years of service for those workers and employees whose employment contracts began after the legislative decree had entered into force.

10. The law provides that all telephone operators, irrespective of the enterprise, company or office where they work, must be considered commercial employees and cannot, accordingly, be considered wage earners (Supreme Decree of 17 May 1929).

11. An individual who works at home, that is, one who carries out his or her work in his or her domicile, receives both the maternity allowance and the nursing allowance, on account of being covered by the National Pension System under Decree-Law No. 19990, as well as by the health care regime under Act No. 22482 (article 164 of Decree-Law No. 728).

12. Women who are authorized to provide nighttime services as waitresses in hotels, bars and restaurants must have a special permit, provided free of charge by the General Labour Inspectorate of the Ministry of Labour (Supreme Decree of 9 December 1930).

13. The State ensures compliance with the regulations concerning women's work by carrying out periodic inspections in workplaces and thereby determining whether the law is being applied faithfully (Supreme Decree of 17 January 1936).

14. Under the law, housewives or homemakers are regarded as independent workers (Act No. 24705).

233. The concept of indemnification covers both indemnification for work accidents and indemnification for unjustified dismissal. In the first case, if the victim of the accident is a woman, the indemnification is 25 per cent higher (article 9 of Act No. 2851).

234. In the second case, that is, indemnification for unjustified dismissal, a woman receives additional benefits, in that the employer must supplement her total social benefits by the equivalent of two monthly wages. This is stated in the final portion of the sole article in Act No. 4239 of 26 March 1921.

235. The normal working day consists of eight hours, with 48 hours in a week (article 25 of the 1993 Constitution). For women, the working day is not to exceed eight hours, 45 hours in a week (Article 5, Act No. 2851). During the working day, women are to have two consecutive hours free at midday. When women have to work on a Saturday afternoon, their working hours are not to exceed five, with time off on the Monday if it is not a holiday. The daily wages must be the same as the usual daily wages (article 11 of Act No. 2851, as amended by the sole article of Act No. 4239; article 8 of Act No. 2851).

POLICY STATEMENTS

236. The following may be cited as policy statements, guidelines and similar measures formulated for areas in which inequality is most often encountered, such as access to jobs and economic and political activities:

EDUCATIONAL POLICY

237. The objective is to eliminate illiteracy and women's disadvantages compared to men in access to education at all levels in order better to integrate women into economic, political and social life, using integrated literacy programmes that have an impact on their job training and prepare them to take on responsibilities in daily life. In order to achieve this goal, the following are required:

a) To strengthen and expand integrated literacy programmes for illiterate adults.
b) To launch a technical training subsystem to improve the qualifications of the female labour force, promote equality of opportunity and treatment and provide access for young people to non-traditional technical careers.
c) To disseminate awareness of gender perspectives at the university level in order to promote equality of opportunity and treatment and the access of young people to non-traditional scientific careers.
d) To expand coeducational opportunities in all public and private educational institutions as a means of training children and adolescents in a social context of equality, without gender distinctions.
e) To develop new integrated curricula in initial, primary and secondary schools, removing stereotypes of male and female behaviour and promoting cultural reaffirmation in order to eradicate racism; to ensure more equitable sharing of responsibilities within the family, encouraging solidarity, tolerance and communication in family life; to reinforce self-esteem and education for life and peace.
f) To eliminate stereotypes of male and female behaviour and reaffirm national cultural values through new learning methods and pedagogical techniques, as well as through the production of modules for pedagogical materials and methodological guidelines.
g) To incorporate gender awareness in teachers' training programmes in order to eliminate stereotypes of male and female behaviour and to reaffirm national cultural values.
h) To provide mechanisms whereby women teachers may take on administrative positions.
i) To inflict severe punishment for sexual harassment in the school.
j) To evaluate the impact on school performance of early entry by children into the job market and of the work done by girls who take responsibility for domestic tasks.
k) To promote educational programmes aimed at illiterate women in rural areas, offering them technical careers connected with farming activities.

LABOUR POLICY

238. Increased and improved integration of women into the labour market must be pursued by promoting access to essential economic instruments such as loans and technology and the modernization of the legal framework to achieve equality of opportunity and treatment, for which purpose it is necessary:

a) To establish job training policies that expand labour opportunities for mothers, promote their integration into dynamic branches of the economy and improve the training of women who are unemployed or underemployed;

b) To establish a legal framework guaranteeing the integration, stability and job promotion of both sexes under conditions of equality of opportunity. This might comprise legislation on gender discrimination in employment, the creation of protection and monitoring mechanisms to guarantee equal pay, the development of new job descriptions in line with the principle of "Equal pay for equal work" and the consolidation of protection and monitoring mechanisms so that existing regulations protecting the rights of women are implemented.

c) To set up integrated programmes for the development of female entrepreneurship in urban areas.

POLICY ON POLITICAL ACTIVITY

239. Efforts should be made to promote the involvement of women in local and national decision-making and power structures under equitable circumstances through the effective integration of social agents and through the establishment of mechanisms to promote and facilitate the participation of women at the various levels of State and private economic decision-making and to ensure follow-up and evaluation of policies on women in the bodies that define the country's social policies.

240. For this purpose, it is also necessary to ensure that women are trained to exercise leadership at all levels of social life, with emphasis on a better understanding of women's rights and civic and political instruction for women members of political parties, parliamentarians and generators of public opinion on any given topic. Support should also be given for the establishment and strengthening of women's organizations and collectives.

241. The above information concerning policy on education, employment and political and economic activity corresponds to the platform of action proposed in the National Report on Women (September 1994) elaborated by the Standing Commission on Women's and Children's Rights and the National Human Rights Council of the Ministry of Justice.

Article 5

MODIFICATION OF SOCIOCULTURAL PATTERNS

242. The mass media have stereotypes concerning the role of women which are manifested primarily in two ways: by assigning to women the role of homekeeper devoted to domestic tasks and the care of her children and spouse; and by depicting women as sex symbols or simply as sexual objects. These are the primary roles assigned to women in Peru's mass media, but not the only ones. In recent years there has been an alternative trend towards reinstating all the true dimensions of women. Thus, the professional achievements of Peruvian women are acknowledged (their holding of high-level positions, for example) and women are given a hearing in the discussion of current political and social topics.

243. In respect of the representation and influence of women at the managerial level in enterprises and industry, the mass media and advertising, statistics in the National Report on Women, drafted for the Fourth World Conference on Women, may be cited. This report gave statistics on women in the EAP (economically active population) who hold managerial and administrative posts in Peruvian enterprises. In 1981, only 16.2 per cent of such staff was made up of women, whereas the figure had increased to 22 per cent in 1991.

THE ROLE OF WOMEN IN THE FAMILY

244. Different roles have traditionally been assigned to men and women in the family. In general terms, these roles are those of father, head of the household and source of the majority of the family's income; and mother, responsible for homemaking and household chores, as well as for carefully overseeing the way the children are raised.

245. This traditional picture has been changing over the years, for various reasons such as the gradual lifting of women's educational levels, and consequently, of their professional expectations. The trend has been fueled by the country's increasingly tight economy, which makes it virtually imperative for a family to have an income to supplement that of the husband. In the following table we see that the proportion of women with a secondary school or higher education had climbed to 51 per cent in 1993 from only 36.1 per cent in 1981.

PERU 1981-1993
EVOLUTION OF EDUCATIONAL LEVELS, WITH A BREAKDOWN BY SEX
(people aged 15 and above)

	1981	1985-86	1993
TOTAL			
W/o formal education	16.2	17.1	12.6
Primary	42.8	37.2	31.5
Secondary	31.0	34.7	35.5
Higher	10.1	11.0	20.4
Total	100.0	100.0	100.0
MEN			
W/o formal education	9.0	9.0	7.0
Primary	44.6	39.7	31.9
Secondary	34.4	38.0	39.5
Higher	11.9	13.3	21.6
Total	100.0	100.0	100.0
WOMEN			
W/o formal education	23.1	24.9	18.0
Primary	40.9	34.8	31.0
Secondary	27.7	31.5	31.7
Higher	8.4	8.8	19.3
Total	100.0	100.0	100.0
Women w/ second. and higher ed	36.1	40.3	51.0

Source: National Institute of Statistics and Computing (INEI). National Censuses 1981 and 1993. National Institute of Statistics (INE). Standards of living survey (ENNIV) 1985-1986.

246. But in some cases, women assume the role of head of the household. This happens more frequently in the most impoverished social strata than in the higher-income groups. The table below shows that in 1981, 22.1 per cent of heads of household were women, a situation that remained largely unchanged in 1991, when 23.3 per cent were women. This nationwide average may be broken down to reflect the situation in urban and rural areas: 24.7 per cent in the latter, and 20.1 per cent in the former.

PERU 1993
HEADS OF HOUSEHOLD IN URBAN AND RURAL AREAS, BY SEX

	Urban		Rural		Total	
	Absolute	%	Absolute	%	Absolute	%
Total	3336221	100.0	1426558	100.0	4762779	100.0
Men	2512252	75.3	1140291	79.9	3652543	76.7
Women	823969	24.7	286267	20.1	1110236	23.3

Source: INEI. National Census 1993.

Article 6

STEPS TAKEN BY THE STATE TO ABOLISH PROSTITUTION

247. With respect to trafficking in women and exploitation of their prostitution, the activities punishable by law are what are referred to as pimping, pandering and sex trafficking, as stipulated in articles 179 to 182 of the Penal Code. These articles refer to the promotion or incitement of sexual exploitation for lucrative purposes; the exploitation of illegal gains obtained by a person through prostitution or by compromising, seducing or soliciting and individual with a view to sexual relations with another person or who promotes or facilitates the travel to or from the country or the movement within the national territory of a person who engages in prostitution.

248. The penalties are magnified depending on the trafficker's relationship with the victim, the victim's age, whether violence was used and whether the trafficker is a habitual offender.

249. The Penal Code outlines the relevant penalties, stipulating that anyone who promotes or incites the prostitution of another is subjected to a custodial sentence of a minimum of two and a maximum of five years. The penalty is a minimum of four and a maximum of 12 years when committed by a relative in the fourth degree of consanguinuity or the second degree of affinity or by the spouse, companion, adoptive parent or guardian or a person in any way responsible for the victim (article 179 PC).

250. Anyone who exploits the illegal gains of a person who engages in prostitution is subjected to a custodial sentence of a minimum of three and a maximum of eight years. If the victim is under 14 years of age or the spouse, companion, descendent or adopted child of the person or of his or her spouse or companion, or is under his or her care, the penalty is at least 12 years (article 180 PC).

251. Anyone who compromises, seduces or solicits an individual with a view to sexual relations with another person is subjected to a custodial sentence for a minimum of two and a maximum of five years. The penalty is for a minimum of five and a maximum of 12 years when the victim is the person's spouse, concubine, descendent or adoptive child or that of his or her spouse or companion, or is under his or her care (article 181 PC).

252. Anyone who promotes or facilitates another person's travel to or from the country or movement within the Republic for the purpose of engaging in prostitution is subjected to a custodial sentence for a minimum of five and a maximum of ten years. The penalty is for a minimum of eight and a maximum of 12 years when any of the aggravating circumstances outlined in the previous article apply (article 182 PC).

253. Supreme Decree No. 09-82-IN, published on 1 April 1982, regulates various aspects of this activity, such as the prohibition of its exercise by women who are minors and efforts to abolish prostitution.

254. This decree also regulates other matters, such as the requirement of special licences for the operation of premises for this activity, their hours and location, the requirements that must be met by prostitutes, the obligations of administrators of brothels, the work regime of their staff, health regulations, prohibition of advertising, etc.

255. Act No. 26102, published on 29 December 1992 and containing the Code of Children and Adolescents, designates the prostitution of children and adolescents as a form of enslavement by which the parents or guardians of the child or adolescent exploited for activities contrary to the law or public morals are deemed to have abandoned them.

256. As we have seen, the decree mentions the health requirements that must be met by individuals involved in this activity, including periodic check-ups for venereal disease and other transmissible diseases like AIDS.

Article 7

POLITICAL PARTICIPATION OF WOMEN

257. The right of women to exercise their political rights and to vote and be elected is protected by Peruvian legislation with, in the first instance, the 1993 Constitution, article 2, paragraph 2 of which enshrines the right to non-discrimination on grounds of sex or on other grounds. Article 2, paragraph 17 proclaims the right of all persons to participate, individually or collectively, in the political, economic, social and cultural life of the nation. Article 31 sets out the right of all citizens, male and female, to vote and be elected.

258. These rights are exercised by women at all levels. We find women participating in political affairs within political parties, as members or leaders, and in the highest spheres of government as Ministers of State, members of Congress, etc.

259. The municipality was the first opening for women's organizing skills and political participation; they formed groups to cope with extreme poverty, became the main centres of civil resistance to terrorist violence and defended their organized action, human life and peace. The exacerbation of the economic situation and of terrorist violence made it necessary to develop communal strategies for self-defence ("glass of milk" committees and people's canteens) and defence, something which enabled women to infiltrate local and regional power circles and to develop the capacity to negotiate their demands with the central government and other authorities.

260. A movement which overturned established patterns in the arts, sex, politics and gender relations subsequently emerged: feminism. The international community, through such bodies as the United Nations, promoted the adoption of a series of instruments and political commitments as a way of advancing the discussion relating to the protection of women against discrimination, violence and the violation of their rights.

261. The internal crisis within political parties, combined with the efforts of leaders to incorporate women in the higher spheres of adminstration and to encourage their candidacies in general elections, smoothed the path to legitimization of women's participation in politics.

262. The current regime is applying an unusual approach by giving women posts traditionally reserved for men, for example: Customs Superintendant, Attorney-General, Comptroller-General, member of the Supreme Court, Minister for Industry, for Tourism and for Integration and International Trade Negotiations, Minister of the Presidency, Vice-Minister of the Economy, Vice-Minister of Justice. These positions confer prestige and are at a high level of political power and decision-making. The criteria for selection relate to professional qualifications, trustworthiness, experience and efficiency in previous positions.

263. Another factor which has had a direct influence is terrorist violence and the aggravation of the economic crisis. Terrorist violence, with its tragic toll of deaths, disappearances and forced migration, primarily of men in the case of the Andean region, is a conditioning factor for the active participation of women in communal power and decision-making forums. Women are serving as mayors and heading peasant patrols or self-defence committees, participating actively in bodies for the protection of human rights and defence fronts. In urban areas, especially in low-income sectors where violence has been centred, women and their organizations have become neighbourhood leaders and been the bulwark of civil resistance to terrorism.

264. Women's political participation has been a two-way street. On the one side are women of the upper middle classes who, on the basis of their professional capabilities and political experience (political parties, entrepreneurial guilds and trade unions), have managed to penetrate, although still as a minority, governmental and State decision-making circles: Congress, public administration, ministries, the judiciary and local government. They have also gained entry into organizations of civil society such as entrepreneurial guilds and the mass media.

265. On the other side are women of low and very low income groups in urban areas and rural areas who, by participating in self-defence bodies or other neighbourhood or community organizations, have been gaining a modicum of power within the State apparatus and have earned acceptance at some administrative levels in the organizations of civil society (political parties). They have also run for office in general elections.

266. Despite these types of apprenticeship and the contributions of women to political life, their participation seems have hit a stalemate, and in absolute terms, it is still minimal.

267. The number of women participating in politics provides no insurance, however, that such representation is linked to their demands and aspirations or the promotion of their rights.

268. The conception of women's roles has evolved over the past decade, in terms both of women's own expectations for themselves and of society's perception of women. Women are better prepared to compete and, while the identification of women with the domestic (private) sphere has not been supplanted, women have been accepted in public life and their leadership role has been recognized. But what is proposed in terms of such leadership resembles political identity more than gender identity (Ochoa, Olenka, 1994).

At Government level

The right to vote

269. In the early 1980s, the new Constitution mandated the right to vote for illiterates and legal majority and the right to vote were accorded as from 18 years of age. As a result, the electoral rolls were supplemented by over half a million illiterates and a similar number of young women.

Participation in parliamentary assemblies

270. In the 1980s, the parliamentary system was bicameral. The percentage of women candidates and women members of the Chambers of Senators and Deputies was minimal at the start and the end of this period.

271. In 1990, the number of women elected as senators was 6.7 per cent of the total number of elected senators, whereas the number of elected deputies was 5.6 per cent of the total. Fairly similar figures had emerged from the 1980 elections.

PERU 1980-1985-1990
NUMBER OF WOMEN CANDIDATES FOR DEPUTY AND SENATOR

CANDIDATES	1980		1985		1990	
	No.	%	No.	%	No.	%
SENATORS-TOTAL	895	100.0	716	100.0	960	100.0
Women	129	14.4	106	14.8	115	12.0
DEPUTIES-TOTAL	2503	100.0	1900	100.0	n.d.	n.d.
Women	240	9.6	213	11.2	n.d	n.d.

Source: National Electoral Board, 1980, 1985 and 1990.

LIMA 1980-1990
NUMBER OF WOMEN CANDIDATES FOR DEPUTY IN THE DEPARTMENT OF LIMA

	1980		1990	
TOTAL CANDIDATES	720	100.0	1080	100.0
Women	113	15.7	183	16.9

Source: National Electoral Board, 1980 and 1990.

PERU 1980-1985-1990-1992
NUMBER OF WOMEN ELECTED AS DEPUTIES AND SENATORS

ELECTED	Total	1980		1985		1990	
		No.	%	No.	%	No.	%
Senators	(60)	2	3.3	3	5.0	4	6.7
Deputies	(180)	13	7.2	10	5.6	10	5.6
Members of Congress*	(80)	-	-	-	-	7	8.3

* For 1992, Democratic Constituent Congress.
Source: National Electoral Board, 1980, 1985, 1990 and 1992.

272. The participation of women in Parliament did not, however, translate into any perceptible increase in the leadership posts held in the chambers by the women elected. Few of the women elected to Parliament became part of the governing bodies of their respective chambers. Throughout the decade, only three women in the Chamber of Senators formed part of the bodies responsible for setting up the Congress (in 1980, 1985 and 1990): they held minor positions as Deputy Secretary, Second Secretary and Deputy Librarian.

273. In 1992, with the closure of Parliament, the Democratic Constituent Congress (CCD) was set up, comprising 80 members. Although the number of women candidates for election did not increase at this time in comparison with previous elections, the number of women members of Congress did rise, to 8.8 per cent.

Participation in Public Administration

274. The number of women in high-level managerial posts in public administration is inferior to that of men, although it did grow steadily in the 1980s and 1990s.

275. In 1987, two women were named Ministers of State - the first such appointments ever - and given the portfolios of Education and Health. In 1990, the Ministry of Education was again conferred on a woman. In 1994, the same thing happened with the portfolios of Industry, Tourism, Integration and International Trade Negotiations and the Ministry of the Presidency. Four women are currently serving as Vice-Ministers in various sectors.

276. The access of women to the posts of Director General and Executive Director increased marginally from 1983 to 1987-1988.

PERU 1983, 1987-1988 AND 1994
HIGH-LEVEL POSITIONS IN PUBLIC ADMINISTRATION, BY SEX

Executive Branch	1983		1987	1988	1994	
	Women	Men	Women	Men	Women	Men
Ministers		16	2	14	2	13
Vice Ministers		22		21	4	16
Gen. Director	4	74	9	93	n.d.	n.d.
Exec. Director	5	57	13	42	n.d.	n.d.
Under-Director	1	2		2	n.d.	n.d.
Gen. Inspector		16		12	n.d.	n.d.
Gen. Secretary		9	4	10	1	13
TOTAL	10	196	28	194		

Sources: 1983: Tomado de Franke, Marfil, Lima 1986. 1987 1988: INAP. Lima 1987 1988.
1994: Information furnished by the various ministries.

277. In the current restructuring of the State apparatus, it is interesting to note the growing importance of professional qualifications in the ranks of public adminstrators, and the corresponding recruitment of women professionals. This seems to be exemplified by the significant representation of women in the National Supervisory Body for Tax Administration (SUNAT), an institution that has been modernized in recent years and in which nearly 40 per cent of the executives and 47 per cent of professionals are women.

PERU 1994
STAFF OF THE NATIONAL SUPERVISORY BODY FOR TAX ADMINISTRATION (SUNAT), BY CATEGORY AND SEX

Category	Men		Women		Total
	No.	%	No.	%	No.
Executives	173	61.8	107	38.2	280
Profesionals	868	55.4	699	46.7	1567
Administrators	801	53.7	691	46.3	1492
Total	1842	55.2	1497	44.8	3339

Source: SUNAT, Staff management.

Participation in local government

278. From 1980 to 1994, five elections were held to elect mayors and councilmen throughout the country. Local decision-making bodies were frequently the target of terrorist attacks. During this period, just over 400 local leaders were the victims of the actions of the Sendero Luminoso.

279. At present, only 9 of the 183 mayors of provincial municipalities are women (4.9 per cent); at the district level in the province of Lima, only 5 of 43 mayors are women (11.6 per cent). The number of women mayors has increased since 1980, but the overall percentage remains very small.

PERU 1980-1983-1989-1993
PROVINCIAL MAYORS, BY SEX

Year	Women		Men		Total	
	No.	%	No.	%	No.	%
1980	7	5.2	127	94.8	134	100.0
1983	6	3.9	147	96.1	153	100.0
1989	5	3.1	157	96.9	162	100.0
1993	9	4.9	174	95.1	183	100.0

Source: National Electoral Board 1980, 1983, 1989 and 1993.

METROPOLITAN LIMA 1980-1983-1989-1993
DISTRICT MAYORS IN METROPOLITAN LIMA, BY SEX

Election Year	Women		Men	
	No.	%	No.	%
1980	1	2.6	37	97.4
1983	4	10.0	36	90.0
1989	4	9.5	38	90.5
1993	5	11.6	38	88.4

Source: National Electoral Board 1980, 1983, 1989 and 1993.

280. In the 1980s, municipal administration became the arema for the participation and organization of women. This was visible particularly in 1984, when the United Leftist Front (Frente de Izquierdas Unidas) won the Lima Provincial Council and the number of councilwomen increased from 4 to 7. Municipal programmes for assistance to urban population groups reinforced women's organizations and created a new cadre of women leaders who gained ground in the social and political arena.

METROPOLITAN LIMA 1981-1993
MEMBERS OF THE LIMA PROVINCIAL COUNCIL, BY MUNICIPAL ADMINISTRATION AND BY SEX

Administration	Men		Women		Total
	No.	%	No.	%	
1981-1983	35	89.7	4	10.3	39
1984-1986	32	82.1	7	17.9	39
1987-1989	35	89.7	4	10.3	39
1990-1992	31	79.5	8	20.5	39
1993-1995	36	92.3	3	7.7	39

Source: Municipality, Metropolitan Lima.

Participation in regional government

281. The country's regionalization, mandated by the 1979 Constitution, was an ephemeral process. Elections were held for the first time in 1989 to form Regional Assemblies, but they have now been disbanded.

282. The representation of women in these forums was extremely limited. In 1992, 3.9 per cent of all elected regional deputies were women. This marked a small improvement over 1989, when of the 171 elected representatives of regional governments, only 1.8 per cent were women.

283. This low level of participation was perhaps aggravated by the persistence of gender discrimination and the heavy influence of established local decision-making groups in departments and provinces of the country's interior.

PERU 1989 AND 1992
REPRESENTATIVES OF REGIONAL GOVERNMENTS, BY SEX

Sex	1980*		1992	
Men	168	98.2	149	96.1
Women	3	1.8	6	3.9
Total	171	100.0	155	100.0

* Data solely for regions established late 1989 and having held elections.
Source: National Electoral Board. Department of Public Relations.

In civil society

284. The formation of an extensive and diversified women's movement is a sign of the times in this decade. In the general context of the crisis, women gained visibility through their professional work and in NGOs: feminist organizations and the new community organizations for food supply. Yet a ceiling has been created for access to positions of power within traditional institutions: women have remained absent from the leadership of trade unions, political parties and other classical power structures.

Trade unions

285. Today as in the past decade, women hold very few decision-making posts within the highest circles of trade union power, with one exception: a woman is the head of the Peruvian trade union for the teaching profession, the Single Union of Peruvian Educational Workers (SUTEP), which has consistently had a certain capacity for organizing and lobbying. But its national governing body has undergone "masculinization": while in 1983, nearly half of the members were women, by 1993 their numbers had diminished.

286. The absence of women among leaders of trade unions and trade union organizations seems to be attributable, firstly, to their limited employment in the jobs classically represented by trade unions (there are fewer and fewer women workers, but more and more are entering the informal sector), and second, by the close ties between the leaders of trade unions and of political parties, primarily made up of men.

Rural Agrarian Organizations

287. Owing to the violence that has swept over the country, in rural areas, particularly in the emergency zones, women have taken on positions of authority in their communities as a result of the massive migration, disappearances and deaths of their spouses and sons. In addition, organized into peasant's patrols, they have actively participated in the defence of their communities (Amelia Fort 1993).

288. The representation of rural women in certain rural decision-making or lobbying structures such as the

Rural Women's Confederation (CCP), the National Agrarian Confederation (CNA) and the ONA is still weak, being limited to the position of secretary for women's affairs, a body set up in 1988 at the "first rural women's meeting".

Political parties

289. In recent years women have begun to hold leadership positions in political parties.

290. Two women are currently in high-level positions in two major political parties (the Partido Aprista Peruano and the Partido Popular Cristiano), and a woman is the Deputy Director of the Leftist Democratic Movement. During the decade, women have been involved in this type of organization only on a minority basis. The relative improvements in women's position occur against the background of renewal, to some extent, of some parties, which have been obliged to reorganize in the face of reversals suffered since the late 1980s.

Professional organizations

291. In the context of the institutional crisis, professional organizations have evolved into significant civic forums. As a result of improvements in women's professional qualifications, their representation in these organizations has been increasing, resulting in a modification of the gender balance in a large number of associations.

292. With the diversification of the fields of their professional activity, by 1990 women represented 40 per cent of members in the professional organization of accountants, and 20 to 25 per cent of members in professional organizations of physicians, lawyers, odontologists and architects. Compared with 1983, this is an improvement in women's involvement in these professions, which have traditionally been the province of men.

293. The male contingent in fields traditionally occupied by women, such as nursing and social work, has likewise grown. In 1994, 30 per cent of all members in such professional organizations were men.

PERU 1983-1994
MEMBERS IN PROFESSIONAL ORGANIZATIONS, BY SEX

Organizations	1983		1994	
	%Women	%Men	%Women	%Men
Nursing	90.1	9.9	70.0	30.0
Social work	-	-	70.0	30.0
Accountancy	18.8	81.2	40.0*	60.0*
Odontology	18.5	81.5	25.3	74.7
Architecture	17.9	82.1	26.3	73.7
Law	17.2	82.8	20.4*	79.6*
Medicine	12.9	87.1	19.7	80.3

Sources: 1983 Franke, 1985; 1990 FLACSO - Peru, 1993; 1994 Professional Organizations.
* For 1990.

Feminist organizations and the advancement of women

294. Because of the work done by feminist organizations and the success of women in grass-roots organizations, women have gained visibility on the public scene.

295. A number of feminist non-governmental organizations at the local and national level are working for the advancement of women and serving as advisors for feminist grass-roots organizations. They are also involved in the dissemination of information and coordination with societal and State institutions.

296. Networks and consortia have been formed in the interests of coordination. The most important of these are the National Network for the Advancement of Women, the National Network for Rural Women, the Women's Network for Grass-roots Education, the Women's Consortium and the Radio Coordinating Body. Experiments are also being carried out with thematic groups such as the Peruvian section of the Latin American Committee for the Defense of Women's Rights (CLADEM), the Women's Network for Grass-roots Education, the Working Group for Urban Services and Women in Low-Income Groups (SUMBI), the Working Group for Women and Structural Adjustment and the Standing Forum on Women and Politics, a body that brings together feminists and women parliamentarians (Fort, 1993). There is also a Centre for Documentation on Women.

297. In the 1990s feminists have been seeking to expand their impact to other sectors of society, without losing their ties with grass-roots organizations. Priority has been given to the following: meetings and debates with political leaders and parliamentarians, greater visibility in the mass media and convincing universities and State institutions to incorporate gender perspectives. They are participating in the discussion of legislation and decrees that affect women and are continuing to promote the women's police offices, to train police officers and to provide legal aid in law enforcement facilities.

Background

298. In 1973, a small group of middle-class women founded ALIMUPER - Action for the Liberation of Peruvian Women.

299. In the late 1970s, the first four feminist organizations were established in Lima: the Flora Tristán Centre for Peruvian Women, the Manuela Ramos Movement, Women and Struggle and the Women's Socialist Front.

300. From 1978 to 1983 new feminist groupings were formed and existing ones split to create new organizations: five in Lima and a similar number in provincial cities such as Arequipa, Trujillo, Cajamarca, Chimbote and Cusco.

301. Feminist groups initially concentrated their in the areas of sexuality and feminist self-awareness. They subsequently opened up their activities to address grass-roots organization for women, women's lack of legal recourse against violence, women's health, child care, etc.

302. In 1985, feminists made an incursion into politics with the participation of two women in presidential elections as "independents" with the United Leftist Front (Frente Izquierdas Unidas).

303. In 1990, the National Network for the Advancement of Women emerged, bringing a gender perspective to the formulation of public policy to achieve the advancement of women in nine fields: health, education, culture, housing, violence, the image of women in the mass media, political participation, information on women, family life and productive activity. In 1990 it also fostered a debate on the situation of women with candidates for parliamentary elections from the major political parties. It has submitted to Parliament proposals for the revision of the Penal Code, including the Domestic Violence and Constitutional Reform Act. It has expressed its views on the repression of abortion, a continuing subject of public debate.

Women Members of Non-Governmental Organizations (NGOs)

304. Women have a decisive involvement in NGOs, both because of their holding leadership positions (they make up 26 per cent of all the directors of NGOs) and because of their work in research and promotional programmes.

305. According to estimates for 1991, one third of the members in NGOs are women, concentrated more in urban areas than in rural programmes.

306. In the early 1980s, there were far fewer men and women members than in the 1990s. The number of members increased with the growing number of projects aimed at women and at women's grass-roots organizations.

307. Of the 822 professionals working in NGOs on projects to support rural women, 36.5 per cent are women.

BREAKDOWN OF NGO MEMBERS BY SEX AND BY WORKING AREA (%)

Sex	Urban	Rural	Total
Men	54	77	67
Women	46	23	33
total	100	100	100*

Source: Ruiz Bravo Y Bobadilla, 1993.
* No. of cases = 205

308. In terms both of field of university specialization and of areas in which male and female members of NGOs are working, there is a clear split along gender lines. The majority of women are educators (20.5 per cent), sociologists (17.6 per cent) and nurses (14.7 per cent), whereas men tend to be engineers (39.4 per cent).

309. There are also divergences in the types of activities undertaken. While women are involved in programmes on health, nutrition and the training of women, young people and children, men devote their efforts to technical assistance, administration and organization (Ruiz Bravo y Bobadilla, 1993).

310. The profile of women members of NGOs in the 1990s differs from that of the early 1980s. The first wave of members entered university in the 1970s and was influenced by utopian visions of revolution and social change. Most were from the urban middle class and they were generally professionals in the fields of social science, letters and the humanities (sociologists and professors). By contrast, a high proportion of current members of NGOs - around a third - comes from the disadvantaged sectors of the population and is made up of migrants seeking professional advancement.

Women's grass-roots organizations

Scope and features

311. There is currently a variety of women's grass-roots organizations for food aid: the mothers' clubs, the people's canteens and the "glass of milk" committees. Their common feature is collective action for the purchase, preparation and daily distribution of foodstuffs with a view to reducing the cost of feeding a family. They likewise make it possible to reduce the time spent by women on domestic tasks and function as centres for socializing, training and in some cases income generation.

312. It is estimated that in 1994, in metropolitan Lima alone there were around 15,000 such organizations, including canteens and "glass of milk" committees as well as the mothers' clubs, which are present nationwide. The total number of self-defence organizations is calculated to be at least 20,000, and with an average of 20 women members for each, this gives a total of approximately 400,000 women in these organizations.

313. Each type of organization has its own method of centralization and of metropolitan, provincial or departmental representation, but there is no single umbrella body.

314. Women's organizations play a crucial role in the provision of food to the impoverished. In 1990, the "glass of milk" committees served over a million people in Lima and 2,600,000 people nationwide, in other words, 8 per cent of the country's total population (García Naranjo, 1992).

315. In 1991, the people's canteens in metropolitan Lima prepared and distributed 570 thousand daily rations (CARE, canteen census, 1991) and served 8.5 per cent of all families and 13 per cent of all poor families (Ministry of Labour, Household Survey for Metropolitan Lima, 1992).

NUMBER OF PEOPLE'S CANTEENS AND "glass of milk" COMMITTEES IN METROPOLITAN LIMA

Year	No. of people's canteens	No. of "glass of milk" committees
1980	172	-
1981	199	-
1982	236	-
1983	303	-
1984	523	ND
1985	884	ND
1986	1117	7313
1987	1385	7518
1988	1861	7758
1989	2958	ND
1990	3259	9876
1991	5112	9739

Sources: Estimated on the basis of CARE, 1990 and 1992; García Naranjo, 1992.

ND = No data available.

Recognition and legitimacy of women's grass-roots organizations

316. The substantive role played by women's grass-roots organizations in tackling the problem of food provisionment for large sectors of the population is acknowledged by society and the State.

317. Both the canteens and the "glass of milk" committees have been convened by the two previous Governments (1985-1990 and 1990-1995) to participate in the emergency programmes with a view to helping families most severely affected by the economic crisis and the adjustment policies.

318. With the support of NGOs and women parliamentarians, the central office of the people's canteens put through the adoption, in December 1990, of Act No. 25307 establishing a programme of support for the food provisionment work of grass-roots organizations. Under this Act, the Government committed itself to funding a minimum of 65 per cent of the cost of the food provided by grass-roots organizations, including the canteens and "glass of milk" committees. Enabling legislation for this Act is pending.

319. The organizers of the self-managing canteens have recently (June 1994) concluded an agreement with the National Programme for Food Aid (PRONAA) under which all self-managing canteens are to be included in the distribution of foodstuffs.

Ayacucho Mothers' Clubs

320. A case that deserves particular attention is that of the Ayacucho Mothers's Clubs, which were expanded and centralized against a background of armed violence. Their objectives were to deal with the problems of self-

defence, security and protection of human rights. In 1989, the Federation of Mothers' Clubs of Huamanga (capital of the department of Ayacucho) was created, incorporating 260 mothers' clubs, and in late 1991, the Departmental Federation of Mothers' Clubs of Ayacucho was set up, comprising 1,200 clubs with 60,000 members.

321. Forty per cent of the women who are members have been displaced by terrorist violence and many of them are Quechua speakers (38 per cent) or are illiterate (37 per cent). Under adverse conditions, with little or no preparation and bearing heavy family responsibilities (56 per cent have four children or more), they have managed to survive largely on account of the self-help mechanisms in their organizations (Survey of women in organizations, CEPRODEP, 1991).

Article 8

322. As stated in connection with the previous article, in our country men and women are equal in respect of the legal right to hold all public positions, including diplomatic posts. Unfortunately, there are very few women ambassadors: from 1980 to the present, only four women have occupied such posts.

Women in diplomatic posts

323. From 1980 to the present, the four women who occupied such posts did so in the years 1973, 1981, 1988 and 1994. Although it is true that the percentage of women in diplomatic service is currently higher than it was several years ago, it is not surprising that the number of women who accede to the highest posts within the service should be so small. The reasons for this vary. For example, the nature of a diplomatic career, requiring constant travel and changes of residence, is at variance with the mentality and roles traditionally assigned to women in our society.

324. With regard to the participation of women as representatives of the State at international events, although this tends to occur chiefly for missions involving subjects related to women or children, there has been an increase in instances when women represent the State in forums for the discussion of economic or commercial affairs, as exemplified by the work of the Minister for Industry, who by the nature of her functions has to fulfil such roles.

325. The Peruvian delegation to the recent International Conference on Population and Development at Cairo was headed by the Vice-Minister for Justice, a woman, who has recently been elected Vice-Chairman of the Inter-American Commission of Women of the Organization of American States.

Article 9

NATIONALITY

326. The Peruvian State grants men and women equal rights to acquire, change or retain their nationality, even in the event of marriage of the woman to an alien or change of nationality by her spouse. The same principle of equality applies to the determination of her children's nationality.

327. Article 2 of the 1993 Constitution indicates that everyone has the right to a nationality and that no one may be deprived of nationality. This implies that in the instances outlined in article 9 of the Convention on the Elimination of All Forms of Discrimination against Women, the nationality of a woman is not subject to alteration.

328. For the determination of the nationality of children, article 52 of the Constitution grants women equal rights with men, stating that children born outside the territory of the Republic to Peruvian fathers or mothers shall be deemed Peruvian, providing that they are inscribed in the relevant register.

Article 10

SITUATION OF WOMEN WITH REGARD TO EDUCATION

329. Access to education is an aspiration shared by women of all social strata and ethnic and cultural groups. Education opens the door to self-expression in Spanish, the country's official language, for those whose mother tongue is Quechua, Aymara or one of the indigeneous languages of the Amazonian jungle. Conditions for integration in urban life and the job market are improved by attendance at primary school, and even more so, by vocational training. At another level, education is viewed by women as giving them an advantage in terms of security and strength for their personal, family and social relations.

330. The educational profile of women is marked by contrasts, with both university training and illiteracy existing side by side. Of every 100 women aged 15 or over, 19 have reached higher educational levels, while 18 have never attended school. The range of differences is relatively great. Women in the province of Lima, the capital of the Republic, average 9.6 years of education, while rural women in the department of Apurímac average barely 1.9 years of school.

331. During this decade, the educational status of women as a group, and in comparison with men, has continually improved. For example, the rates of illiteracy have dropped, school attendance rates are very similar to those of young men and women are acceding to higher education. There are still groups that are being left behind, however, and this decade, in addition to the aggravation of the disparities between urban and rural women, has been characterized by a decline in the quality of education.

Illiteracy

332. There are currently 1,297,168 illiterate women in Peru. They make up 73 per cent of the total number of illiterates, which shows that illiteracy in Peru is fundamentally a women's problem.

333. The rate of illiteracy applies to 18.3 per cent of all women and a much lower proportion - 7.1 per cent - of men. There are nevertheless marked differences among women depending on their place of residence: while illiteracy affects 10 of every 100 women in urban areas, it occurs in 43 of every 100 women in rural zones.

PERU 1981-1993

EVOLUTION OF THE ILLITERACY RATE*, BY SEX AND GEOGRAPHICAL LOCATION

	1981	1985	1993		
Total	18.1		16.6		12.8
Men	9.9		8.8		7.1
Women	26.1		23.9		18.3
Urban	8.1	6.2		6.7	
Men	3.6	2.5	3.4		
Women	12.5	9.6		9.8	
Rural	39.6	36.0	29.8		
Men	23.2		20.3		17.0
Women	55.8		51.6		42.9

* Percentage of illiterates among people aged 15 and above.

Source: INEI. National Censuses 1981 and 1993. INE. National standards of living survey. ENNIV (1985-1986).

334. There is a heavy concentration of illiterate women in the departments of the Sierra region, where the level of development is low. This is true of Apurímac, where the rate of illiteracy among women is 51.5 per cent; of Huancavelica, 47.4 per cent; of Ayacucho, 45.8 per cent; of Cajamarca, 39 per cent; of Cuzco, 36.4 per cent; of Huánuco, 34.6 per cent; and of Puno, 32.9 per cent.

335. From 1981 to 1993, the illiteracy rate among women dropped by 7.8 per cent. Distinctions between the sexes declined in urban regions and were reduced, although they remain high, in rural areas which suffer from serious educational deficiencies and where there is still some resistance to and specific difficulties with the schooling of women (illiteracy rates: 17 and 42.9 per cent, respectively).

336. In absolute terms, the number of illiterate women has decreased by 17 thousand in the twelve years between the two censuses, which translates into a drop of 1 per cent. It is noteworthy that the number of illiterate women in urban areas has increased by 86,000, or about 20 per cent: in 1981, 429,000 illiterate women resided in urban areas, while in 1993 they numbered 515,000. At the same time, the number of illiterate women in rural areas diminished by 12 per cent, amounting to 103,000 in absolute terms. On the whole, therefore, the problem of illiteracy appears to have shifted towards cities and the urban population, possibly as a result of migratory movements and the depopulation of rural areas provoked by terrorist violence.

PERU 1981-1993: ILLITERATE POPULATION, BY SEX AND GEOGRAPHICAL LOCATION
(Absolute terms - in thousands)

	1981	1993	Absol. increment	Intercensus %
Total	1799	1784	15	-0.8
Men	485	487	2	0.4
Women	1314	1297	-17	-1.3
Urban	548	683	135	24.8
Men	119	168	49	41.2
Women	429	515	86	20.0
Rural	1251	1100	-151	-12.1
Men	366	318	-48	-13.1
Women	885	782	-103	-11.6

Source: INEI. National Censuses 1981 and 1993.

Illiteracy by age group and sex

337. Degrees of illiteracy are directly related to age in both men and women: women have always had higher illiteracy rates than men, although as the figures show, the gaps between the two in the lower age groups are shrinking.

PERU 1981-1991
ILLITERACY RATE* BY AGE GROUP AND SEX

1981	Men	Women
15-19	3.4	8.9
20-24	3.5	11.7
25-29	4.5	16.1
30-34	6.3	21.9
35-39	9.7	31.8
40 and above	19.6	45.9
1991 a/		
15-19	0.5	2.2
20-29	2.4	7.2
30-44	6.3	26.9
45-49	4.6	16.5
50 and above	10.2	25.1

* Percentage of illiterates among people aged 15 and above.
a/ The 1991 data are not census data, and some rural zones (rural coast, rural Sierra region in emergency zones and jungle) that would raise the illiteracy rate have been omitted from the test group.
Source: INEI. National Census 1981. Cuánto, National standards of living survey. ENNIV 1991.

Illiteracy in young people

338. Although illiteracy is most common among people in higher age groups, causing it to be attributed to the deficiencies and failures of the past, it continues to occur among younger people aged 15 to 24. This is particularly true in the rural areas of the Sierra region, where access to primary school and continuation of studies remain a problem for girls whose mother tongue is Quechua or Aymara.

339. In 1981, the lowest rates of illiteracy were recorded among young women aged 15 to 19 and 20 to 24 (8.9 and 11.7 per cent, respectively), when compared with older people, even though the rate of illiteracy among young women in rural areas remained relatively high (23.6 and 32.6 per cent, respectively).

340. Ten years later, in 1991, all these figures had gone up, with the national average illiteracy rate for girls aged 15 to 19 having declined to 2.2 per cent, although there was still an illiteracy rate of 10.5 per cent among women in this age group residing in the rural Sierra region. In the case of young women aged 20 to 29 years, the rate of illiteracy was 7.2 per cent, and there were greater disparities in terms of place of residence: one third of the young women in the rural Sierra region could neither read nor write, while the rate of illiteracy among their contemporaries in Lima was 2.2 per cent.

341. To sum up: the breakdown of illiterates by sex shows that illiteracy remains primarily a problem among women. If the rates of illiteracy are analysed by sex and place of residence, we see that it is a problem that affects primarily women more than men, and women in rural areas compared with those in urban zones. Finally, illiteracy has not been completely eradicated among young women in the rural Sierra region.

School attendance

342. Among children aged 6 to 11, there is a high rate of school attendance, though not a perfect one: around 87 per cent of girls and boys go to school, but there are distinctions between urban and rural areas and between boys and girls in rural areas.

343. The 1993 census recorded a rate of school attendance of 86.8 per cent for girls aged 6 to 11, in other words, 13 of every 100 girls in this age group did not attend school, with this figure rising to 20 in rural areas.

344. Illiteracy is known to originate in failure to start school at an early age and in the interruption of schooling before gaining a good command of reading and writing skills. The increase (in 1990 and 1991) in school drop-out rates among girls at the primary school level, frequent repeating of school years during the first two years of primary school and delays in the start of schooling all form a scenario that may have negative consequences in the future.

345. Between the ages of 12 and 17, when the school attendance rate averages 74 per cent for girls and is four per cent higher for boys, the gap in attendance at educational institutions between girls in the city (78.5 per cent) and in the countryside (56.3 per cent) becomes more striking. These figures may be assumed to reflect such diverse phenomena as the delayed start in primary school of impoverished women who go to adult education centres and the entry of women from other social groups into universities and centres of higher education. The schooling of nearly half of all females in rural areas comes to an end in this age group.

PERU 1993
SCHOOL ATTENDANCE RATES* BY AGE GROUP AND SEX

Age group and sex	Total	Urban	Rural
6 to 11	87.3	90.9	80.7
Male	87.7	90.0	82.0
Female	86.8	90.8	79.5
12 to 17	74.1	79.4	61.6
Male	76.0	80.2	66.5
Female	72.1	78.5	56.3

* Percentage of people in this age group who attend school.
Source: INEI. National Censuses 1993.

Educational level

Average number of years of education

346. Women had an average of 6.2 years of education in 1991, but there were differences in educational coverage compared with men, half of whom had at least 7.5 years of schooling.

347. An analysis of the available data by age group and sex shows that the largest gaps in educational levels between the sexes occur among people aged 40 to 44. This accords with the viewpoint that when the national educational service "got off the ground" in the 1950s, men benefitted first in terms of attendance at educational institutions. In older generations, the situation had been what might be described as inequitable. Later, in the generations born after the 1970s, there was greater equality in school attendance. The average number of years of education for children and young people of both sexes is very similar.

348. Women aged 20 to 34 have achieved the highest levels of education compared with other age groups. Half of them have had at least 11 years of schooling.

349. It is particularly interesting to observe the differences among women themselves according to place of residence. The biggest disparity is between the capital city and the countryside. Whereas half of the women

residing in metropolitan Lima have had at least 11 years of study, the educational average for women in rural areas is 3.1 years, which is to say they have not completed primary school.

PERU 1991
AVERAGE NUMBER OF YEARS OF EDUCATION* BY SEX, AGE GROUP, GEOGRAPHICAL AREA, REGION AND DEGREE OF URBANIZATION

	Total	Men	Women	Diff. M-W
Total	6.8	7.5	6.2	1.3
Age				
6-9	1.6	1.7	1.6	0.1
10-14	5.4	5.6	5.3	0.3
15-19	9.6	9.4	9.5	-0.1
20-24	11.4	11.5	11.4	0.1
25-29	11.3	11.4	11.1	0.3
30-34	11.2	11.4	11.0	0.4
35-39	10.8	11.3	8.9	2.4
40-44	9.0	11.1	6.5	4.6
45-49	6.1	8.1	5.4	2.7
50-54	5.8	6.3	5.3	1.0
55-59	5.5	5.9	5.1	0.8
60-64	5.5	5.8	4.9	0.9
65 and over	4.8	5.4	3.0	2.4
GEOGRAPHICAL AREA				
Urban	8.9	9.5	8.3	1.2
Rural	3.9	4.8	3.1	1.7
Region				
Metropolitan Lima	11.2	11.3	11.0	0.3
Coastal - other	6.5	6.9	6.0	0.9
Sierra	5.2	5.7	4.3	1.4
Jungle	5.2	5.5	4.9	0.6
DEGREE OF URBANIZATION				
Metropolitan Lima	11.2	11.3	11.0	0.3
Other large cities	7.6	8.2	6.9	1.3
Urban - other	6.0	6.9	5.7	1.2
Rural	3.9	4.8	3.1	1.7

Source: INE. Demographic and Family Health Survey. ENDES 1991.
* People aged 6 and above. Table based on de facto population.

Breakdown by educational level

350. In the 1980s, the educational profile of women (aged 15 and above) reveals that 23 per cent (between one-fourth and one-fifth) had no schooling, and a noteworthy 40 per cent had some schooling at the primary level. Only 8 of every 100 women went on to higher education. In other words, professional training was not yet a widespread phenomenon for younger and older women.

351. During the period under review, women's educational levels improved, the proportion of women aged 15 and over who had no schooling or only attended primary school dropped and the percentage of women with a secondary school or higher level of education increased. The average number of years of education rose from 5.4 in 1981 to 7.1 in 1993.

352. The most striking change is in the greater number of women in higher education: from 8 per cent in 1981, it increased to 19 per cent in 1993.

PERU 1981-1993
EVOLUTION OF EDUCATIONAL PROFILE, BY SEX
(people aged 15 and above)

	1981	1985-86	1993
TOTAL			
No education	16.2	17.1	12.6
Primary	42.8	37.2	31.5
Secondary	31.0	34.7	35.5
Higher	10.1	11.0	20.4
Total	100.0	100.0	100.0
-MEN			
No education	9.0	9.0	7.0
Primary	44.6	39.7	31.9
Secondary	34.4	38.0	39.5
Higher	11.9	13.3	21.6
Total	100.0	100.0	100.0
-WOMEN			
No education	23.1	24.9	18.0
Primary	40.9	34.8	31.0
Secondary	27.7	31.5	31.7
Higher	8.4	8.8	19.3
Total	100.0	100.0	100.0
Women w/ second. and higher educ.	36.1	40.3	51.0

Source: INEI. National Censuses 1981 and 1993. INE. ENNIV 1985-1986.

PERU 1993
AVERAGE NUMBER OF YEARS OF STUDY AMONG THOSE AGED 15 AND ABOVE, BY SEX AND URBAN OR RURAL AREA

	TOTAL	Men	Women
Total*	7.7	8.3	7.1
Urban	9.0	9.6	8.5
Rural	4.1	5.0	3.1

* Excluding people who did not state their level of education.
Source: INEI. National Population Census 1993.

Educational level of young people

353. As the coverage of the educational system has improved, educational levels have evolved in inverse proportion to age groups, and indeed, the educational levels of girls today cannot be considered fixed. Many of them, especially those residing in urban areas, will continue to acquire education.

354. But for the majority of women aged 20 to 24 and an even greater proportion of those aged 25 to 29, the possibilities of improving their educational levels have been virtually closed off. They are most likely coping with the pressures of family and work rather than seeking to improve their education. Although the problem of illiteracy has been nearly overcome, the number of women who have not gone beyond primary school remains high.

PERU 1991
EDUCATIONAL LEVEL OF YOUNG PEOPLE, BY SEX AND AGE GROUP

	No ed.	Primary	Second.	Higher	NS	Total	Md.
15-19 years							
Total	0.9	19.1	68.3	11.6	0.1	100.0	9.6
Men	0.7	17.1	71.1	10.9	0.2	100.0	9.4
Women	1.1	20.9	65.5	12.3	0.0	100.0	9.5
20-24 years							
Total	1.4	18.1	44.9	35.4	0.2	100.0	11.4
Men	0.7	16.3	48.1	34.4	0.4	100.0	11.5
Women	2.0	19.7	42.0	36.2	0.1	100.0	11.4
25-29 years							
Total	2.3	24.0	41.5	32.0	0.1	100.0	11.3
Men	1.0	19.8	45.0	34.0	0.2	100.0	11.4
Women	3.5	28.0	38.2	30.1	0.1	100.0	11.1

Source: INE-PRISMA. Demographic and Family Health Survey. ENDES 1991.

355. To sum up: In general terms, progress has clearly been made in the levels of education achieved by women in recent years. Fifty-one per cent of women aged 15 and above have gone to secondary school or higher educational institutions, although there is still a difference between the rates for men and women in the older age groups. Among young people the situation is different: both sexes have educational averages amounting to 10 or 11 years of study.

Options for training and professional qualification

356. The Peruvian educational system offers various methods of receiving training to enhance job prospects. A young person may, without having completed secondary school, follow vocational training courses at the so-called Vocational Education Centres (CEO). These provide a wide range of specialized training and operate on the basis of a fairly flexible course system in terms of duration, scheduling and curricula. Because of the system of study and the emphasis on dressmaking, handicrafts, secretarial skills, accountancy and nursing, the CEOs have been the option of choice for women.

357. At the higher educational level, where the prerequisite is completion of secondary school, existing alternatives include the technical institutes (IST), the teacher training institutes (ISP) and the universities.

Technical training is generally completed in three years, teacher training in five, and a university education, for which an entry examination is required, lasts at least five years.

358. One characteristic feature in recent years has been the diversification of options offered within the educational system, the rationalization of a complex system that has to cope with the varying demands of different social groups and an increase in enrolment at all levels of vocational and professional training and educational options.

Women at university

359. Forty per cent of candidates for university, 39 per cent of students accepted into universities, 36 per cent of university students and 40 per cent of university graduates are now women. Of every 10 persons who reach the university level, 6 are men and 4 are women. Equity remains elusive but is not far off, in comparison with other indicators.

360. The number of women being educated at university has been continually growing. A disparity in the numbers of men and women attending university education is revealed more clearly if one looks at the specific fields in which they specialize.

PERU 1980-1985-1990
NUMBER OF WOMEN AT UNIVERSITY

	1980	1985	1990*
Applicants	39%	41%	40%
Accepted	35%	39%	39%
Enrolled	34%	36%	36%
Graduates	38%	40%	40%

* Estimated. Source: GRADE. Higher Education in Peru: statistics for analysis. Working Document No. 9, Lima, 1990.

Women with degrees in engineering

361. In 1990, 16 per cent of all graduates in the various specialized fields of engineering were women. This represents an increase of five per cent compared with 1980.

362. Most women graduates have studied civil engineering or industrial, chemical or manufacturing applications. Within the engineering branch, the number of women graduates is higher than the average in chemical engineering and manufacturing (28.6 per cent), environmental engineering (21.2 per cent), civil engineering (20.7 per cent), industrial engineering (19.7 per cent), piscicultural (18.8 per cent) and systems engineering (17.6 per cent). In other relatively less common fields like statistical engineering, the proportion of women is greater.

PERU 1979-1980 AND 1989-1990
PERCENTAGE OF WOMEN AMONG UNIVERSITY GRADUATES IN ENGINEERING BRANCHES, BY FIELD OF SPECIALIZATION

Field of Specialization	1979/80 % women	1989/90 % women
Environm.	9.5	21.2
Civil	9.2	20.7
Electric & Electronic	1.6	2.4
Geological, Metallurg. Mining & Geographical	1.3	6.1
Mechanical	0.6	0.7
Industrial a/	17.7	19.7
Systems	11.1	17.6
Petroleum	0.0	8.3
Chemical & Manufac.	16.9	28.6
Agricultural	7.3	14.4
Forestry	12.2	22.0
Piscicult.	10.5	18.8
Economic & Administr.	27.5	33.6
Statistical	57.1	50.0
Total	10.9	16.2

Source: GRADE. Databank. Elaborated IEP.
* Corresponds to the total number of universities (26) offering such courses in 1980, to 76 per cent of the total (33) in 1990.
a/ Includes food industries.

PERU 1979-1980 AND 1989-1990
UNIVERSITY GRADUATES IN THE ENGINEERING BRANCHES* BY FIELD OF SPECIALIZATION AND BY SEX

	1978/80			1989/90		
	M	W	Total	M	W	Total
Environm.	200	21	221	26	7	33
Civil	216	22	238	517	135	652
Electric & Electron.	244	4	248	203	5	208
Geolog. Metallurg., Mining & Geograph.	236	3	239	401	26	427
Mechanic.	307	2	309	441	3	444
Industrial a/	442	95	537	649	159	808
Systems	8	1	9	70	15	85
Petroleum	9	0	9	33	3	36
Chemical & Manufact.	463	94	557	252	101	353
Agricultural	115	9	124	95	16	111
Forestry	36	5	41	46	13	59
Piscicult.	222	26	248	130	30	160
Economic & Administr.	58	22	80	85	43	128
Statistical	6	8	14	16	16	32
Total	2562	312	2874	2964	572	3536

Source: GRADE. Databank. IEP.
* Corresponds to the total number of universities (26) offering such courses in 1980, to 76 per cent of the total (33) in 1990.
a/ Includes food industries.

363. To sum up, women's enrolment in higher education has reached and maintains near-parity with that of men: about 40 of every 100 applicants, students accepted, students at university and graduates from university are women. The same cannot be said of professional options, where women continue to be concentrated in branches traditionally assigned to them and they are conspicuously absent from engineering branches. Nevertheless, they are taking what might be called timid steps towards new types of training generally geared to men. These new forms of behaviour can best be addressed in the area of images, stereotypes and success models. This is why the incorporation of women into any and all professional branches is just as important as the movement of men towards certain "feminine" fields.

Educational quality

364. The violence experienced in the country since 1980 has significantly altered the possibilities for ensuring the day-to-day stability required for the functioning of schools. In the most difficult years of the conflict - from 1982 to 1984 - the number of primary school students diminished in absolute terms in the departments of Ayacucho, Apurímac and Huancavelica.

365. The exacerbation of poverty has had a lasting effect on schools. It is estimated (on the basis of sources from the Ministry of Education) that drop-out rates at the primary and secondary school levels, which had been decreasing up until 1990 (6.2 and 7.3 per cent, respectively), rose in 1991 (11.5 and 11 per cent), the year following the adjustment (Cuánto 1993:143). According to the most recent figures available from the Ministry of Education, however, the downward trend was reversed in 1993. Drop-out rates at the primary and secondary school levels were 3.5 and 5 per cent, respectively, in 1993. There are alarming trends in another aspect of educational quality, repeating of school years: according to the same source, the rate of repeating primary school years was 21.87, and of secondary school years, 15.68, in 1993.

366. What has characterized the evolution of Peruvian education in the past decade has been the impoverishment of public schools, the drop in teachers' salaries, the diminishment of professional qualifications among teaching staff and the resulting deterioration in the quality of education. The effects are all the more serious in so far as they are combined with the impoverishment of families.

PERU 1980-1990
INDICATORS OF DETERIORATION IN EDUCATIONAL QUALITY

	1980	1990
Public spending on education (% of GDP)	3.0	1.9
Unit cost per student (1979 index=100)	128.1	28.9
Teachers lacking qualifications (%)	19.4	50.6
Teachers w/ 0-4 years of service	n.a.	49.5
Teachers w/ 5-9 years of service	n.a.	21.4

Source: Central Reserve Bank, 1993. Ministry of Education. Statistical Office. Quantitative indicators for the educational system. Lima, 1993. Ministry of Education. Project: "General Diagnosis on Education". Financing of Education. Lima, 1993.

367. Little has been done to formulate and apply new proposals to eradicate gender discrimination in the curriculum, educational materials and training of teachers or to promote the implementation of specific programmes geared primarily towards women, as is the case with the programmes on literacy and adult education, inter alia.

ARTICLE 11

368. Article 22 of the Peruvian Constitution states that employment is a right and a duty. It is the basis for social well-being and an instrument of personal accomplishment. Article 23 of the Constitution reads as follows: "Employment, in its various aspects, shall be given priority attention by the State, which shall provide special protection for working mothers, minors and disabled persons. The State shall promote social and economic progress, in particular through policies to designed to foster productive employment and vocational training. The exercise of constitutional rights may not be restricted, nor the dignity of the worker disregarded or demeaned, by any employment relationship. No one shall be obliged to work without remuneration or without free consent."

369. Article 24 of the same instrument states the following about remuneration: "The worker shall have the right to equitable and appropriate remuneration such as to ensure his or her material and spiritual well-being and that of his or her family. Payment of remuneration and social benefits to the worker shall take priority over all the employer's other obligations. Minimum wages shall be set by the State with the participation of organizations representing workers and employers". Article 26 of the Political Charter stipulates that one of the principles to be respected in labour relations is that of equality of opportunity and freedom from discrimination. Article 27 of the Charter provides that the law shall accord the worker adequate protection against arbitrary dismissal.

370. Finally, article 59 of the Charter guarantees freedom of employment, providing it is not damaging to public morals, health or security, and offers ways of overcoming inequity in any sectors experiencing such treatment.

371. It will be clear from the above that no distinction is made between men and women. As far as legislation is concerned, in addition to the Constitution we may refer to article 4 of the Convention and provide information about legislation on remuneration, social security, maternity and special protection measures.

EMPLOYMENT

372. In an economic context that is highly unfavourable to both men and women, the principal changes in the employment of women in Peru over the past decade have been: a) a higher rate of activity, reflected in a sharp growth in the number of women in the economically active population (EAP); b) a trend towards levelling off of the occupational structure for women compared with men, particularly in some employment sectors; and c) increased inequity in the distribution of income among working women as a function of their different employment sectors.

373. The higher proportion of economically active women seems to be associated with an increase in their educational levels. Those who have acquired professional qualifications have enhanced their opportunities to leave domestic service behind and enter the job market. This is visible in the educational profile of women in the EAP, one-third of whom have acceded to higher education. The disparity between the numbers of women and men in the EAP is noteworthy here.

374. The trend towards a relative improvement in the situation of women with respect to employment in Peru originates in the growing presence of women within the labour force. Nevertheless, improvements in women's employment have been affected by the Peruvian economy and the crisis that began in the mid-1970s.

Rate of economic activity

375. In 1993, 2,104,775 women were part of the economically active population (EAP), a figure that yields an economic activity rate of 29.7 per cent for women aged 15 and above.

376. The economically active population was predominantly male, men representing 70.4 per cent of the EAP, but women nevertheless accounted for nearly one-third. In the interim between censuses, 1981-1993, the proportion of women in the EAP rose from 25 per cent to 29.5 per cent. With the female EAP growing at an average annual rate of 5.4 per cent and the incorporation of 826,000 women in the economy, a feminization of the economically active population took place from 1981 to 1993.

377. The economic activity rates for women vary according to their age, with young women being extensively employed in the economic sector (30 per cent), the highest rate being among women aged 30 to 44 (36.4 per cent) and older women tending to have lower economic activity rates.

378. Observation of the fluctuations in economic activity rates according to age group reveals that women aged 30 to 44, the majority of them married, increased their presence in the EAP by 7.2 per cent from 1981 to 1993, followed by women aged 15 to 29 with an increase of 4.3 per cent. Among women aged 45 and older, a slight increase is noticeable. This performance contrasts with that of men, for whom the economic activity rates in all age groups are decreasing, with the largest reduction in those for men aged 45 and older.

PERU 1981-1993
ECONOMIC ACTIVITY RATES FOR PEOPLE AGED 15 AND ABOVE, BY SEX AND AGE GROUP

	1981		1993	
	Men	Women	Men	Women
Total	79.7	25.5	73.4	29.7
15 - 29 years	65.0	25.7	61.0	30.0
30 - 44 years	98.1	29.2	91.6	36.4
45 - 64 years	95.6	24.9	83.9	25.8
65 and above	63.5	12.0	52.3	13.7
EAP (thousands)	3911.8	1278.9	5004.8	2104.8

Source: INEI. National Censuses 1981 and 1993.

Activity branches

379. Working women are primarily employed in the terciary sector: 67 per cent of economically active women are employed in this sector, called commerce and services (see table 57).

380. From 1981 to 1991, the proportion of women in this economic branch grew from 57.1 to 67 per cent, owing to the fact that women have mainly become involved in independent economic activity.

PERU 1981-1991
EAP, BY ACTIVITY SECTOR AND SEX a/

	1981		1991	
	Men	Women	Men	Women
Primary	44.6	23.4	23.4	20.3
Secondary	16.4	12.0	22.5	12.7
Terciary	35.6	57.1	54.2	67.0
Unspecif. activ.	3.4	7.6	n.a.	n.a.
Total	100.0	100.0	100.0	100.0

Source: INE, National Census 1981; Cuánto, ENNIV 1991.
a/ EAP aged 15 and above.

Underemployment

381. In view of the poverty prevailing in Peru, it is more appropriate to measure underemployment by income rather than by time on the job (length of the working day).

382. Nearly the entire labour force can be described as being underpaid. This is the case, in the EAP of metropolitan Lima, of around 78.2 per cent of women, and 76.7 per cent of men.

383. From 1981 to 1993, the number of people underpaid rose by 48 per cent for women and by 59 per cent for men. This brings the proportion of men and women underpaid nearly to parity, but the impact of underpayment has been heaviest among women, since 55.2 per cent of the economically active women in metropolitan Lima have been affected.

384. The proportion of women who are severely or moderately underpaid increased by a factor of 10.5 from 1981 to 1993, whereas the proportion of women adequately paid or slightly underpaid rose by a factor of 8.5. In other words, women tended to be concentrated in the lowest income groups, or to put it another way, the gap in the distribution of income among women expanded.

385. At the other end of the income scale, the number of women who are adequately paid (9.2 per cent in 1993) - that is, whose earnings are above the average - has been sharply reduced: in 1981, half of all women were adequately paid.

386. This proportion is tending to level off in comparison with men. The gap between men and women in terms of adequate payment declined from -20.8 per cent in 1981 to -5.1 per cent in 1993. In this sense, the drop in income affects men more than women, in that there is a group of women that has experienced relatively smaller reductions in their remunerations.

METROPOLITAN LIMA 1981-1993
EAP, EMPLOYMENT LEVELS, BY SEX

	1981		1993	
	Men	Women	Men	Women
Total unemployment	5.0	11.0	8.3	12.2
Total underemploy.	22.4	37.2	77.4	78.6
Underpayment	17.7	29.8	76.7	78.2
Severe	2.0	6.4	29.9	55.2
Moderate	3.8	9.6	33.7	18.3
Slight	11.9	13.8	13.1	4.7
In terms of time	2.6	4.2	0.7	0.4
Unspecified	2.1	3.2	n.a.	n.a.
Full employment	72.6	51.8	14.3	9.2
Total	100.0	100.0	100.0	100.0

Source: DGE. Housing surveys 1981 and 1993.

URBAN UNEMPLOYMENT

387. In 1993, the unemployment rate for women in urban areas was 8.2 per cent. When the data are broken down by sex, the unemployment rates for men and women appear to be virtually identical to the national urban average, but in metropolitan Lima, the gap between men and women is greatly to the disadvantage of women.

PERU 1981-1993
URBAN UNEMPLOYMENT RATE, BY SEX

	1981		1993	
	Total Metrop.	Total Metrop.	Urban Lima	Urban Lima
Men	5.3	5.0	8.6	8.3
Women	9.9	11.0	8.2	12.2

Source: INEI. National Censuses 1981 and 1993.
DGE. Housing Survey 1981 and 1993.

388. The changes recorded in the intercensal interim indicate that whereas the urban unemployment rate for women declined slightly, from 9.9 per cent in 1981 to 8.2 per cent in 1993, the rate for men rose from 5.3 per cent in 1981 to 8.6 per cent in 1993. In terms of urban unemployment, the impact of the economic crisis and structural adjustment has apparently been harsher for men than for women. It should be noted that since women often enter the workforce as independent workers or by doing unpaid family work, rather than by becoming workers or employees, they are not counted as unemployed workers, since they are not seeking a salaried position.

389. Unemployment rates have not levelled off in metropolitan Lima to the same extent as in the country as a whole, the figures for which were 5 and 11 per cent for men and women, respectively, in 1981, and 8.3 and 12.2 per cent, respectively, in 1993.

ARTICLE 12

HEALTH

390. Progress has indisputably been made with respect to the health of women in terms of fertility and awareness and use of contraceptives and in some indicators of maternal and child health. Nevertheless, significant gaps can be observed among women on the basis of their social status. It is noteworthy that in their knowledge of means of contraception and in achieving their desired level of fertility, women of all social groups are fairly similar, but that in their ability to realize their aspirations, there are differences.

LIFE EXPECTANCY

391. Life expectancy for Peruvian women was 66.6 years, and for men, 62.7 years, from 1990 to 1995. There are more striking differences within the female population than between men and women: life expectancy for women in urban areas was 7 years longer than for women in rural areas. Between 1975-1980 and 1990-1995, life expectancy for women increased by 7.8 years, and the gap between urban and rural areas remained virtually the same.

PERU 1975-1980/1990-1995
LIFE EXPECTANCY AT BIRTH, BY SEX

Year	Total	Men	Women
1975-1980	56.9	55.2	58.8
1990-1995	64.6	62.7	66.6

Source: CELADE, 1990.

392. This trend towards an increase in life expectancy at birth has consolidated the elderly group among the population, which currently includes 5 per cent of all Peruvian women, who require the creation of specialized policies and services.

MATERNAL MORTALITY

393. Peru is estimated to have had a maternal mortality rate of 261 per 100,000 live births in 1993, representing a drop of 19 per cent compared with 1981, when there were 321 deaths per 100,000 live births. Women without formal education had the highest rates of maternal mortality: 489 per 100,000 live births, ten times the rate for women with higher education (49) and higher than the national average of ten years ago.

394. The principal causes of maternal mortality are interruption of unwanted pregnancies and childbirth without adequate clinical care (haemorrage, infection and hypertension). According to certain studies carried out in marginalized areas of Lima, septic abortion was the primary cause of maternal mortality in 1986 and 1988 (Ministry of Health, 1986 and 1988). According to another nationwide study done in 1985, abortion was the second most frequent cause of maternal mortality (22 per cent). In 1989, 43 abortions were performed for every 100 live births, or 271,000 abortions in the year. The abortion rate among Peruvian women aged 15 to 49 was 5.2 per cent (The Alan Guttmacher Institute, 1994).

PERU 1981-1993
MATERNAL MORTALITY RATES

	Maternal mortality rate per 1,000 live births
1981	321
1993	261
Urban	203
Rural	448
W/o education	489
Primary	373
Secondary	180
Higher	49

Source: Vallenas, Guillermo 1993.

INFANT AND CHILD MORTALITY

395. From 1981 to 1991, the average rate of infant mortality rose to 64 per 1,000 and of child mortality, 92 per 1,000. Male infant mortality was 15 per cent higher than that of females, while male child mortality was 8 per cent higher.

396. Infant mortality dropped by 14 per cent, and child mortality, by 28 per cent, compared with 1977-1981, this downward trend being chiefly linked to an increase in the educational levels of mothers.

397. From 1981 to 1991, infant and child mortality rates in rural areas, particularly in the departments where poverty is concentrated, remained high. Infant mortality was 90 per 1,000, and child mortality, 131 per 1,000.

INFANT AND CHILD MORTALITY RATES, BY SEX AND GEOGRAPHICAL AREA
(1981-1991 averages per thousand live births)

	Infant Mortality	Child Mortality
Total	64	92
Male	68	95
Female	59	88
Urban	48	67
Rural	90	131

Source: INEI, DHS, PRISMA, ENDES 1991-1992

CAUSES OF INFANT AND CHILD MORBIDITY AND MORTALITY

398. In 1990 and 1991, the principal causes of infant and child mortality, both male and female, were preventable and treatable. They included: a) conditions that originated during the perinatal period; b) acute respiratory infections (ARI); c) acute diarrhoeal diseases (ADD); and d) nutritional deficiencies. Inadequate prevention, lack of basic sanitary facilities and a deterioration in diet caused these factors to have a sharper impact from 1986 to 1991.

PERU 1990-1991
PRINCIPAL CAUSES OF INFANT MORTALITY, BY SEX

	1990		1991	
	M	W	M	W
Perinatal condition	36.3	33.4	32.8	31.8
ARI	29.3	30.2	30.8	31.0
ADD	10.7	11.1	10.5	11.7
Nutr.deficiencies	4.7	5.2	3.9	4.0

Source: Death certificates. Ministry of Health.

FERTILITY

399. In the early 1990s, the total fertility rate nationwide was 3.5 children per woman, a reduction of 34 per cent compared with 1977, when it was 5.3 children per woman. There are subgroups of the population, however, such as women without formal education and women residing in rural areas, who have significantly higher rates of fertility (7.1 and 6.2 per cent, respectively), which could point to a correlation between high rates of fertility and high levels of poverty.

PERU 1977-1978 AND 1991-1992
TOTAL FERTILITY RATE, ACCORDING TO MOTHER'S PLACE OF RESIDENCE AND EDUCATIONAL LEVEL

	1977-78	1991-92
Total	5.3	3.5
Place of residence		
Urban	4.5	2.8
Rural	7.4	6.2
Educational level		
W/o formal education	n.d.	7.1
Primary	n.d.	5.1
Secondary	n.d.	3.1
Higher	n.d.	1.9

Sources: INEI, ENAF 1977-1978. INEI, DHS, PRISMA, ENDES 1991-1992.

CONTRACEPTION

400. Most women are aware of the existence of contraceptives. Among married women, 95 per cent know about or have at least heard of them, and 89 per cent know where to procure them.

401. Fifty-nine per cent of married women of fertile age (15 to 44) use some type of contraceptive. Most of them (56 per cent) rely on modern methods, while the remainder (44 per cent) choose traditional methods.

402. The level of contraceptive use is directly linked to women's levels of education and urbanization. The use of contraceptives is most common among women with a higher education or those residing in metropolitan Lima, while it is women without formal education or those in rural areas who are recorded as using contraceptives with the least frequency.

403. Similarly, the use of modern techniques such as the pill, IUD, foam and condoms is most common among women in urban areas and those with higher educational levels. Sixty per cent of women in urban areas use modern techniques, whereas only 38 per cent of women in rural areas does so. Sixty-five per cent of women with a higher education uses modern techniques, which are employed by only 32 per cent of women without formal education.

404. Analysis of changes over the past decade shows that, for women from all social strata, knowledge and use of contraceptives has increased. Even though the number of women from rural areas and of women without formal education who use contraceptives has doubled, the prevalence of contraceptive use within these sectors has remained below the national average, and even where the use of modern methods has increased, over 60 per cent of these women uses traditional methods.

PERU 1981-1991
PERCENTAGE OF MARRIED WOMEN WHO USE CONTRACEPTIVES AND MODERN TECHNIQUES, BY PLACE OF RESIDENCE AND EDUCATIONAL LEVEL

	Use contraceptives(%)		Use modern methods(%)	
	1981	1991-92	1981	1991-92
Total	41	59	43	56
Metrop. Lima	56	73	49	65
Urban	50	66	47	60
Rural	21	41	23	38
W/o education	18	35	29	32
Primary	40	51	39	47
Secondary	60*	66	49*	60
Higher		73		65

Sources: INEI, ENPA 1981. INEI, DHS, PRISMA, ENDES 1991-1992
* ENPA used a category entitled "Secondary and higher".

405. In 1991, as in the previous decade, the rhythm method or periodic abstinence (traditional method) was the one used most often by married women (21 per cent). The IUD was the modern method most frequently used by married women (13 per cent), followed by sterilization (8 per cent), the use of the first method having tripled, and of the second, doubled, in comparison with 1981.

FERTILITY PREFERENCES

406. In 1991, the ideal number of children for all women of fertile age (15 to 49) was an average of 2.5: this figure does not differ greatly from that of 1981, which was 2.9. The disparity between women living in Lima and those in rural areas is smaller today than it was ten years ago. Women in rural areas want to have fewer children than in the past, and their preferences are fairly similar to those of women in cities.

PERU 1981-1991
IDEAL NUMBER OF CHILDREN FOR WOMEN OF FERTILE AGE (15-49), BY PLACE OF RESIDENCE

	Ideal number of children, averaged	
	1981	1991-92
Total	2.9	2.5
Metropolitan Lima	2.6	2.4
Rural areas	3.3	2.7

Sources: INEI, ENPA 1981, INEI, DHS, PRISMA, ENDES 1991-92.

UNWANTED BIRTHS

407. The total fertility rate in 1991 (3.5) was 75 per cent higher than the desired rate, which is estimated at two children per woman. This indicates that there is an alarming number of unwanted children, around 56 per cent of births from 1987 to 1991. This figure is not far off from the 60 per cent recorded in 1982-1986.

408. Despite widespread awareness of contraceptive techniques, an appropriate correlation between the number of children desired and the number of children born to women has not been achieved. A large number of women have more children than they consider to be ideal: this is the case for 46 per cent of women with four children, 41

per cent of those with five and 29 per cent of those with six. All of them believe the ideal number to be two. This phenomenon is influenced by the large number of early marriages, primarily in the jungle regions (Loreto, Ucayali) and in the Sierra (A.A. Cáceres, J.C. Mariátegui, Inca) and in marginal urban areas of the major cities, something which affects the health and personal development of adolescents and young women.

ANAEMIA IN WOMEN AND PREGNANT WOMEN

409. There is no information to enable us to determine the prevalence of anaemia on the basis of haemoglobin levels of pregnant and non-pregnant women.

410. A study carried out in metropolitan Lima in 1991 (IIN, 1992) indicates that 55 per cent of pregnant women were anaemic. In 1984, a figure of 53 per cent had been recorded, relatively close to the percentage for 1991, in a youth camp of metropolitan Lima and a hospital (Loayza) for patients from low-income groups.

411. Except in the first year of life, avitaminosis is one of the causes of mortality that affects primarily women - 53.1 per cent, compared with 46.9 per cent for men nationwide. When we break down this figure by region, we see that the situation is worse in the north, where the difference between the sexes is 12.9 per cent greater.

412. To study maternal undernutrition, one must first go back to infancy, when both boys and girls frequently show signs of chronic undernutrition: 36.5 per cent nationwide, 53.7 per cent in the Inca region and 50.6 per cent in the Libertadores Wari region.

413. According to the demographic and family health survey (ENDES) 1991-1992, 17 per cent of pregnant women nationwide are undernourished, this figure increasing to 21.7 in the case of women aged 15 to 19, to 23 per cent for women in rural areas and to 30 per cent among women with no formal education.

INFANT UNDERNUTRITION

414. The results of the survey on size and weight carried out in December 1993 by the Ministry of Education in cooperation with the Ministry of Health on a representative group of schoolchildren aged 6 to 9 show that 48 per cent suffers from chronic undernutrition. Thirty-eight per cent of the children live in urban areas and 62 per cent in rural regions, 46 per cent are girls, and 64 per cent, boys.

415. In 1991, acute undernutrition resulting from weight loss affected 1.4 per cent of all children aged 5, the incidence being slightly lower among girls than boys.

PERU 1984-1991
INCIDENCE OF UNDERNUTRITION AMONG CHILDREN AGED LESS THAN 5, BY TYPE, SEX AND REGION

	1984		1991	
	Chronic	Severe	Chronic	Severe
Total	37.8	0.9	36.5	1.4
Male	37.7	1.1	37.1	1.6
Female	37.8	0.8	35.8	1.3
Urban	23.7	0.8	25.9	1.3
Rural	56.7	1.1	53.4	1.7

Source: INEI, MINSA, AID, ENNSA 1984. INEI, DHS, PRISMA, ENDES 1991-1992.

IMMUNIZATION

416. In 1991, 57.7 per cent of all children aged 12 to 23 months were receiving all the vaccines, namely BCG, three doses of vaccine against poliomyelitis and DPT vaccine. No form of immunization was given to 4.1 per cent. Protection of girls was slightly higher than of boys (58.7 per cent compared with 56.8 per cent).

417. Immunization coverage has increased in comparison with previous years, this expansion having been made possible partly by the immunization days held since the mid-1980s.

PERU 1986-1990-1991/1993
PROTECTION OF CHILDREN AGED ONE YEAR, BY TYPE OF VACCINE (%)

			1986	1990	1991-92	1993
Total						
BCG	63.1	78.2	90.3	90.9	90.6	90.8
DPT	58.4	66.6				
1st dose			92.9	91.3	92.1	95.8
2nd dose			83.3	80.8	67.5	92.1
3rd dose			68.6	67.5	68.1	86.9
Polio	59.3	67.4				
1st dose			94.1	93.0	93.6	98.3
2nd dose			86.3	85.7	86.0	94.1
3rd dose			70.5	69.3	69.0	87.8
Measles	48.0	59.2	72.4	75.6	74.0	76.1
All vaccines	n.d.	n.d.	56.8	58.7	57.7	n.d.

Source: Tomado de Petrera, Margarita. WHO-PAHO. May 1991. INEI, DHS, PRISMA, ENDES 1991-1992.

PROTECTION AGAINST TETANUS TOXOID

418. Of the mothers whose children were born from 1987 to 1991, 20.1 per cent received two or more doses of antitetanus vaccine and are thus completely covered against this disease.

419. Lower figures were recorded for women without formal education (11.5 per cent) and for those living in the Sierra region (12.3 per cent) and in rural areas (14.4 per cent), who are precisely those women with less access to professional care at the time of childbirth.

420. From 1982 to 1986, coverage increased, although the number of women fully immunized cannot be determined, since the number of doses was not recorded in 1986.

PERU 1986, 1991-1992
PREGNANT WOMEN VACCINATED AGAINST TETANUS

	1986	1991-92	
	One dose or more	One dose	One dose or more
Total	15.6	15.0	20.1
Urban	22.4	17.1	23.8
Rural	8.2	11.7	14.4

Source: INEI, ENDES 1986. INEI, DHS, PRISMA, ENDES 1991-1992.

CHILDBIRTH ATTENDANTS

421. In Peru, professionals are present for only half of all births (53 per cent) (physicians, obstetricians and nurses), 29 per cent of births being the responsibility of midwives, and the remaining 18 per cent taking place under the care of family members and other non-specialists.

422. Professional aid for childbirth is even less frequent among women without formal education and women in rural areas, where barely 18 per cent of all births occur in the presence of a physician, obstetrician or nurse.

423. There has been a slight increase compared with 1982-1986 in the number of births with professionals in attendance, from 49 per cent to 53 per cent. The number of births with midwives in attendance also increased slightly during this period in some sectors.

PERU 1986 AND 1991-1992
PERCENTAGE OF BIRTHS IN THE FIVE YEARS PRECEDING THE SURVEY, BY TYPE OF BIRTH ATTENDANT, REGION AND EDUCATIONAL LEVEL

	TYPE OF BIRTH ATTENDANT									
	Physician		Nurse/ Obstetri.		Midwife		Family member		None	
	86	91	86	91	86	91	86	91	86	91
Total	27.6	33.8	21.5	18.7	28.4	29.1	20.4	17.5	2.1	0.8
Urban	45.7	49.0	34.3	25.4	15.2	17.4	4.5	7.6	0.3	0.5
Rural	7.9	10.4	7.7	8.3	42.7	47.1	37.7	32.7	4.0	1.4
W/o formal education	7.9	8.9	4.1	6.8	40.0	43.1	41.5	39.1	6.5	1.8
Primary	17.1	17.6	18.8	12.2	37.0	42.9	25.2	26.0	1.9	1.3
Secondary	47.9	46.0	35.2	28.3	12.8	18.5	4.0	7.0	0.1	0.3
Higher	71.5	71.1	25.3	23.6	3.2	3.5	-	1.6	-	0.1

Source: INEI, ENDES 1986. INEI, DHS, PRISMA, ENDES 1991-92.

WOMEN AND AIDS

424. The HIV/AIDS pandemic has established itself in Peruvian territory and is undergoing rapid growth and maturation in increasingly broad sectors of the population: the number of HIV-infected persons reported in 1992-1993 is higher than the total number for the previous nine years (1983-1991). No less than 60 per cent of recent cases of sexual transmission of HIV occurred between people who are exclusively heterosexual. A growing trend towards infection of women and children has been observed. HIV infection is occurring at an increasingly early age. Other sexually transmitted diseases, of which there is a high incidence, remain without adequate treatment. Active tuberculosis is detected in no less than 25 per cent of AIDS sufferers at the time the disease is diagnosed. Demand for care for persons affected by HIV/AIDS is growing, and the response is unsatisfactory, as is the relevant legal regime. At the start of the pandemic, 20 cases of AIDS were recorded in men for each case in women, but today, 4 cases in men are recorded for each case in women.

425. The heterosexualization of HIV/AIDS propagation in Peru is also reflected in a slow but steady trend towards perinatal transmission. The increase in HIV/AIDS cases among women highlights the special social, biological and epidemiological vulnerability of women: most Peruvian women infected with HIV/AIDS were monogamous.

426. HIV/AIDS occurs in Peru primarily in Lima (31.5 per cent), Arequipa, Inca and La Libertad (9 per cent and 10 per cent) and Grau, Marañón and Wari (7 per cent and 8 per cent); other regions have 5 per cent and less of the total number of HIV/AIDS cases.

427. In 1993, 11.4 per cent of the total number of AIDS cases recorded were women. The number of women infected grew steadily from 1983 to 1993. The principal means of AIDS transmission to women is sexual (75 per cent of all cases recorded). AIDS cases occur in girls aged less than five chiefly as a result of perinatal transmission and transmission through the bloodstream. Women's risk of HIV infection through the parents is three times higher than that of men.

PERU 1983-1993
PERCENTAGE OF AIDS CASES RECORDED, BY SEX AND CATEGORY OF TRANSMISSION

Category	1983		1993	
	M	F	M	F
Child of infected mother	0.0	0.0	1.5	15.4
Heterosexual	0.0	0.0	24.3	76.9
Homosexual man	100.0	0.0	33.7	0.0
No. of cases	1	0.0	202	26
% Total	100.0	0.0	88.6	11.4

Source: Ministry of Health. HIV/AIDS control programme.

MENTAL HEALTH

428. The parameters for judging mental health are not absence of psychiatric disease alone; they also include self-esteem, capacity to live a productive life in harmony with the social environment, to participate democratically in decision-making, to establish lasting personal relations, to work and compete on equal terms, to retain a sense of humour, to cope with the changes that come with aging and the events of daily life without feeling overwhelmed and to look to the future. These indicators have not yet been fully developed and are primarily qualitative rather than quantitative (García Trovato 1993).

429. The situation of women in Peru retains certain elements of inequity and discrimination which affect the quality of their lives and which can be transformed into risk factors for their mental health.

430. Most girls in Peru begin to participate very early in life in domestic tasks and are taught from a very young age to serve others. They do not learn to refuse to do things they do not want to do, and they are even subjected to physical aggression and sexual abuse, generally within their own families, with serious consequences for their self-esteem and the development of their personalities.

431. In adolescence, one of the most weighty problems for girls is disinformation about their physiological development: they lack basic information about the onset of menstruation and the numerous physical and psychological changes they are to undergo. Anxiety and depression, adaptative difficulties and personality disorders are common. Adolescents are the most vulnerable group for the consumption of psychotropic substances; women tend to consume legalized drugs such as tobacco and alcohol and their consumption of tranquilizers is higher than that of men.

432. Women carry out numerous tasks both in the domestic arena and in productive sectors. Some women also work at the grass-roots level in communal efforts. This overload creates anxiety and psychosomatic disturbances.

433. Features linked to women's physiology such as pregnancy, childbirth and puerperium create a series of risk factors for physical and mental health that are not often taken into account.

434. During menopause, in addition to the symptoms and signals derived from hormonal deprivation, depression, anxiety, irritability and sleep disturbances are also common, as are symptoms of hypochondria. Family members are given very little preparation for and understanding of this period.

OCCUPATIONAL HEALTH

435. Major studies of occupational health do not generally include women - hence the lack of detailed information on the problems faced by women in the workplace.

436. Poverty, limited access to health services and the long and unpredictable working hours in the informal sector mitigate against preservation of the health of working women. They are exposed to higher risks owing to the nutritional deficiencies, fatigue and tension resulting from lack of support or of resources and from their vulnerability to various types of harassment or abuse. In general, health services have been concentrated in the area of maternal and child health.

437. The jobs done by women generally require speed, visual and mental concentration and manual dexterity, and immobility and long working hours are common. Women who do ambulatory marketing, fish packaging and municipal cleaning spend long days on their feet, in bad weather and in highly polluted areas. Health risks in jobs predominantly done by women are:

- Independent workers and women who do unpaid family work represent 40.3 per cent and 25.5 per cent, respectively, of the female EAP. This includes women who engage in informal trade and production. Risk factors: lack of protection by labour legislation such as regulations on working hours, wages, social security and occupational health standards. It is becoming necessary in Peru to gain a better understanding of the lives of women engaged in informal trade and production. With the increasing industrialization of intensive capital as part of development, marginalized or displaced persons are subsisting by doing piece work, working on commission or selling items provided by wholesale dealers.
- Rural workers: women make up 50 per cent of the EAP in rural areas. Risk factors: long working days, seasonal work, low salaries, inadequate transport, exposure to microorganisms, exposure to insecticides, noise, exposure to variable climatic conditions, non-ionizing radiation and vibrations, transport of heavy burdens, animal bites and insect stings. These factors tend to result in infertility, spontaneous abortion and bleeding. The use of insecticides in particular does not take account of effects on women's reproductive health.
- Office staff: such employees represent 13 per cent of the female EAP. Risk factors: the need for speed, uncomfortable working conditions, weak lighting, climatic problems, toxic substances, electromagnetic radiation, repetitive and boring work and sexual harassment.

- Industrial workers, particularly in the textile industry, represent 7.4 per cent of the female EAP. Risk factors: noise, vibrations, defective machinery, uncomfortable positions, rapid pace, cotton and synthetic fibre particles and harmful chemical substances.
- Domestic workers represent 11.2 per cent of the female EAP in metropolitan Lima. Risk factors: low wages, minimal acknowledgement, 15-day vacations, lack of time for personal matters.

438. Women account for more than 50 per cent of staff in the medical field and do their work under precarious conditions and for slim recompense. The highest risks are associated with the laboratory handling of dangerous organic and chemical substances. Nurses are exposed to communicable diseases and toxic substances, in addition to the tension created by work overloads and by their responsibilities for the care of their patients.

HEALTH SERVICES AND CONDITIONS

State spending on health

439. In 1991, spending on health represented only 0.31 per cent of the GDP; in 1980, it was 1.12 per cent. These budgetary restrictions affect the development of various health care programmes and the appropriate equipment of public health facilities.

440. In 1991, the current Government set up the National Fund for Compensation and Social Development (FONCODES) as one of the principal programmes for the alleviation of extreme poverty. In 1992, this body devoted 7 per cent of its funds (12.2 million new soles) to health care programmes. The majority of projects in this area has been focussed on the construction of health posts and the improvement and/or expansion of health care centres (61 per cent); but the equipment of these facilities has not been addressed (furniture and medicine kits), and efforts have been concentrated in Lima.

Sanitation

441. Although drinking water coverage has expanded, rural areas continue to experience major shortages of water supply and drainage services. The poor sanitation conditions in Peru have facilitated the propagation of epidemics, such as that of cholera, which had been thought to have been eradicated and which infected 506,000 people from 1991 to mid-1992.

PERU 1980-1991
PUBLIC SPENDING ON HEALTH

	Health spending (comp. 1979)	Health spending/ Total spending	Spending/ GDP
1980	41	4.8%	1.12
1990	11	3.6%	0.33
1991	11	4.4%	0.31

Source: BCRP, INEI.

PERU 1981,1991
SHORTAGES IN WATER SUPPLY AND DRAINAGE SERVICES

	1981	1993
Homes w/o drinking water		
Nationwide	50.8	42.6
Rural areas	97.5	92.9
Homes w/o drainage		
Nationwide	65.0	60.0
Rural areas	100.0	100.0

Source: INEI. National Censuses 1981 and 1993.

Health care coverage and services

442. In 1990 there were 3,328 health posts, meaning one for every 6,000 inhabitants, and 777 health care centres, or one for every 27,000 inhabitants. The number of health centres and posts had virtually doubled compared with the early 1980s.

443. In 1993, obstetrical beds numbered 3,677, meaning they were available for 46 per cent of all women in childbirth. This is an increase of barely 1.4 per cent since 1985. In the Sierra region and the jungle, the figures are even lower.

PERU 1985-1992
NUMBER AND PERCENTAGES OF OBSTETRICAL BEDS

	No. of Obstetr. Beds	% of Patients
1985	2316	39.9%
1990	3677	46.0%

Source: INEI. National Censuses 1986 & 1993.

444. In 1990, human resources in the health sector (public and private) comprised 23,000 physicians, 18,000 nurses and 4,000 obstetricians. Seventy-three per cent of all physicians and 55 per cent of nurses were located in metropolitan Lima, where there is one physician for every 440 inhabitants, whereas in the rest of the country, the ratio is one physician for every 2,500 inhabitants (CUANTO and UNICEF, 1992).

Participation of Women in Health Care Management

445. From 1980 to 1990, women participated actively in defending the health of their families through various women's grass-roots organizations: health committees, the "glass of milk" programme and the people's canteens. They were heavily involved in activities promoted or supported by NGOs, the Ministry of Health, municipalities or their own communities. The role of women's organizations in the immunization campaigns, the fight against the cholera epidemic and against communicable diseases was considerable.

446. They likewise participated in the management of health projects supported by FONCODES.

447. Women's involvement in health management activities takes place basically on a voluntary basis and generally has an adverse effect on their own health by extending the length of their working days.

Article 13

448. Commercial banking records do not take the gender factor into account. The State Bank for Development and nearly all the mutual and cooperative savings and loan institutions are currently being liquidated. Consequently, it has not been possible to obtain gender-disaggregated information on bank loans.

449. This, together with the fact that women are primarily employed in the informal sector of the economy and with the reluctance of banks to grant loans to workers in this sector (both men and women) leads us to consider alternative forms of access to credit for workers in the informal sector.

Women's economic activity and access to credit

450. The entrepreneurial activities carried out by women are basically trade-oriented. Women are much less involved in the production sectors.

451. The branches of industrial production in which women are most frequently employed centre on those in which they have greater competitive advantage than men. In reality, their work remains linked to their customary occupations and traditional roles, such as dressmaking and knitted goods, whereas their involvement in "men's" activities such as carpentry and footwear remains limited.

452. Microenterprises, which are strongly implicated in the development of the informal sector of the economy, are basically dependent upon informal forms of financing and the credit programmes of a great many NGOs. Since the late 1980s, these organizations have been the conduit for funds from international technical cooperation and from the State. They work with financial institutions through revolving funds, guarantee funds or lines of credit provided by the system to NGOs to administer. The credit programmes being carried out by the NGOs focus on urban and marginalized areas and are directed at the financing of production and trade.

453. The extent of women's participation in credit programmes for people of both sexes basically depends on the type of economic activity and microenterprise for which the credits are intended. More credits are accorded to women when the overall composition of the portfolio emphasizes the commercial sector and investment is clearly oriented towards income-generating activities or those that are not unduly capital-intensive.

454. Statistics on the activities of small enterprises and microenterprises tend to underestimate the role of women as entrepreneurs, mainly because it tends to be assumed that family businesses are run by the head of the household.

455. The limitations on access to financial credit for women who head microenterprises or small enterprises are the same as those for men. Discrimination is more likely to occur in respect of the type of economic activity undertaken, the extent to which it is part of the formal economy, the type of financing required and the meeting of requirements for guarantees.

456. Although there is no discrimination against women in respect of credit, no effort is made to establish different objectives geared for potential female recipients. This can be seen in the activities and standardized training courses on credit authorization carried out by NGOs: they do not take into account such factors as sex, educational level and the effect on availability of schedules and working hours.

Agricultural sector

Credits

457. In the past, credit has been provided almost exclusively by the State Bank (Peruvian Bank for Agriculture - BAP). After this bank was dissolved, two means of acquiring credits were created: the Rural Funds (private

enterprise for financial mediation for farmers) and the Agricultural Development Funds (Fondeagros) administered by regional governments.

Land ownership

458. The Special Project for Rural Land Titling and Property Registration (PETT), established under the eighth provision of the Ministry of Agriculture Organization Act, has the purpose of encouraging and supporting rural land owners without discrimination as to sex with a view to the rationalization and regularization of land ownership over a period of four years. The following trends may be observed on the basis of information on property and holdings in a coastal province:

PROPERTY BY SIZE OF HOLDINGS AND SEX OF OWNER, PROVINCE OF MORROPON IN PIURNAS, 1993

	WOMEN			MEN			TOTAL		
Less than 1 ha.	87	43.7	19.0	372	35.0	81.0	459	36.4	100.0
1 to 1.99 ha.	63	31.7	15.9	333	31.4	84.1	396	31.4	100.0
2 to 4.99 ha.	33	16.6	10.3	288	27.1	89.7	321	25.5	100.0
5 to 9.99 ha.	13	6.5	21.3	48	4.5	78.7	61	4.8	100.0
10 to 19.99 ha.	1	5	5.9	16	1.5	94.1	17	1.3	100.0
20 to 49.99 ha.	1	5	100.0				1	1	100.0
Over 50 ha.	1	5	16.7	5	5	83.3	6	5	100.0
T O T A L	199	100.0	15.8	1062	100.0	84.2	1261	100.0	100.0

Source: Special Project for Rural Land Titling and Property Registration (PETT), Ministry of Agriculture. Elaborated by team responsible for National Report on Rural Women.

a. Percentage of land owned by women: 14.1% of the province's farmland.

b. Only 15.8% of all owners are women.

c. Size of holdings: 75.4% of the owners have less than 2 ha., 16.6% have 2 to 4 ha.

459. The amount of land owned by women is small. The dimensions of the land owned by women are limited, and therefore, even where irrigation exists, the output can hardly generate the income required by a family.

460. Administrative difficulties in the registration of property nationwide and lack of access to the information in existing records make it impossible to assess the access of women to land ownership in rural and urban areas.

Article 14

WOMEN IN RURAL AREAS

461. One third of the total female population resides in rural areas situated primarily in the Sierra region and the jungle. It is in these regions that the social and economic disadvantages are the greatest, that the chronic problems of cultural, social and political isolation are most powerfully manifested. In 1993, 20 per cent of the entire female population designated as its mother tongue either Quechua, Aymara or another indigenous language, but in rural areas, the proportion of women whose mother tongue was not Spanish was as high as 41 per cent. Poverty and ethnic and cultural disparities are not confined to rural areas, however. Urban centres and even Lima also attest to the breadth and diversity of the cultural universe.

462. The age structure varies according to place of residence, with a greater concentration of infants in rural areas than urban ones. Whereas infants represent 33 per cent of the population in urban areas, in rural areas 44 per cent of the women are girls. Young women and adult women have congregated in urban centres, possibly in search of better working and educational opportunities for themselves and their families. The growth potential inherent in the age structure explains why, despite a reduction in fertility in Peru, 600,000 people are born every year. This situation will be reversed only after the year 2000, when the majority of the population will be over 15 years of age.

463. Another relevant indicator is that of maternity. According to the most recent census (1993), 4,835,972 women over 15 years of age were mothers, a figure representing 68.3 per cent of the population. Sixty-six per cent of women in these age groups in urban areas, and 76 per cent in rural locations, were mothers.

RURAL AGRARIAN ORGANIZATIONS

464. Owing to the violence that has swept over the country, in rural areas, particularly in the emergency zones, women have taken on positions of authority in their communities as a result of the massive migration, disappearances and deaths of their spouses and sons. In addition, organized into peasant's patrols, they have actively participated in the defence of their communities (Amelia Fort 1993).

465. The representation of rural women in certain rural decision-making or lobbying structures such as the Rural Women's Confederation (CCP), the National Agrarian Confederation (CNA) and the ONA is still weak, being limited to the position of secretary for women's affairs, a body set up in 1988 at the "first rural women's meeting".

RURAL WOMEN'S CONFEDERATION (CCP)

466. Only limited and uncorrelated information is available on organizations for rural women. In 1982, district associations of rural women were set up in both the Quechua- and the Aymara-speaking zones. Subsequently this form of organization spread to other departments such as Junín and Piura. In 1988 the first National Assembly of Rural Women was held and was attended by about 50 women from all over the country.

467. Their demands included better market prices for their products and recognition of their production role. They also called for access to land and credit and the right to establish and manage their own organizations and to produce radio programmes.

THE NATIONAL AGRARIAN CONFEDERATION (CNA) AND THE ROLE OF RURAL WOMEN

468. Women have succeeded in joining the administrative body of this trade union association. Various national meetings have gradually improved the situation of women. Since 1989 and the fifth national congress of the CNA, women have been represented on the governing board. From 1990 to 1993 they constituted 22.7 per cent of the members of this body. The concentration of women diminishes in exact correlation with the level of power, however: the lower the level, the higher the concentration.

469. With regard to family planning, we have the following information on:

FERTILITY

470. In the early 1990s, the total fertility rate nationwide was 3.5 children per woman, a reduction of 34 per cent compared with 1977, when it was 5.3. There are subgroups of the population, however, such as women with no formal education and women residing in rural areas, that have significantly higher rates of fertility (7.1 and 6.2 per cent, respectively), which could point to a correlation between high rates of fertility and high levels of poverty.

PERU 1977-1978 AND 1991-1992
TOTAL FERTILITY RATE, ACCORDING TO MOTHER'S PLACE OF RESIDENCE AND EDUCATIONAL LEVEL

	1977-78	1991-92
Total	5.3	3.5
Place of residence		
Urban	4.5	2.8
Rural	7.4	6.2
Educational level		
W/o formal education	n.d.	7.1
Primary	n.d.	5.1
Secondary	n.d.	3.1
Higher	n.d.	1.9

Sources: INEI, ENAF 1977-1978. INEI, DHS, PRISMA, ENDES 1991-1992.

FERTILITY PREFERENCES

471. In 1991, the ideal number of children for all women of fertile age (15 to 49) was an average of 2.5: this figure does not differ greatly from that of 1981, which was 2.9.

472. The disparity between women living in Lima and those in rural areas is smaller today than it was ten years ago. Women in rural areas want to have fewer children than in the past, and their preferences are fairly similar to those of women in cities.

PERU 1981-1991
IDEAL NUMBER OF CHILDREN FOR WOMEN OF FERTILE AGE (15-49), BY PLACE OF RESIDENCE

	Ideal number of children, averaged	
	1981	1991-92
Total	2.9	2.5
Metropolitan Lima	2.6	2.4
Rural areas	3.3	2.7

Sources: INEI, ENPA 1981, INEI, DHS, PRISMA, ENDES 1991-92.

PERU 1993
SCHOOL ATTENDANCE RATES* BY AGE GROUPS AND SEX

Age group and sex	Total	Urban	Rural
6 to 11	87.3	90.9	80.7
Male	87.7	90.9	82.0
Female	86.8	90.8	79.5
12 to 17	74.1	79.4	61.6
Male	76.0	80.2	66.5
Female	72.1	78.5	56.3

* Percentage of people in this age group who attend school.
Source: INEI. National Census 1993.

472bis. The situation of women in the agricultural sector in relation to credit acquisition has been discussed in connection with article 13 of the Convention.

ARTICLE 15

EQUALITY OF WOMEN WITH MEN

473. The equality of women with men before the law has been recognized in Peru. In Peru's Constitution, article 1, we find that the defence of the individual and respect for human dignity constitute the supreme purpose of society; article 2, paragraph 2 speaks of the right of all persons to equality before the law.

EQUALITY OF CIVIL RIGHTS

474. This principle is set out in article 4 of the Civil Code, which states that men and women have equal capacity to enjoy and to exercise civil rights. Consequently, any act that tends to discriminate against women solely on the basis of their sex, in any activity they may undertake, is considered null and void.

Freedom of movement and of choice of residence

475. Article 2, paragraph 11 of the Peruvian Constitution stipulates that everyone has the right to choose his or her place of residence, to move through the national territory and to enter and leave it, excepting where limited by reasons of health, judicial mandate or application of legislation on aliens.

476. With regard to relations among spouses, article 290 of the Civil Code states that both spouses have the right and the duty to participate in management of the household and to cooperate to ensure the best possible functioning thereof. Concerning conjugal domicile, it indicates that both spouses are competent to fix and transfer the conjugal domicile and to decide matters relating to household economy.

ARTICLE 16

WOMEN AS HEADS OF HOUSEHOLD

477. As mentioned earlier, in 1993 just over 1,100,000 households, or 23.3 per cent of all households in Peru, were headed by women who, in that capacity, supported their children and other dependents. Assuming an average of five persons per household, the number of people in households headed by women would be 5,500,000. This figure is to some extent underestimated, since the mere presence of a man suffices for researchers carrying out a census and for residents of the household themselves to consider that he is the head of the household. The pattern is that the greater the poverty level, the greater the likelihood that a household will be headed by a woman. From 1981 to 1993, a major increase of households headed by women was recorded.

PERU 1993
HEADS OF HOUSEHOLD IN URBAN AND RURAL AREAS, BY SEX

	Urban		Rural		Total	
	Absolute	%	Absolute	%	Absolute	%
Total	3336221	100.0	1426558	100.0	4762779	100.0
Men	2512252	75.3	1140291	79.9	3652543	76.7
Women	823969	24.7	286267	20.1	1110236	23.3

Source: INEI. National Census 1993.

PERU 1981-1993: HEADS OF HOUSEHOLD, BY SEX

	1981		1993		Increase
	Absolute	%	Absolute	%	1981-93
Total	3436283	100.0	4762779	100.0	38.6%
Men	2676101	77.9	3652543	76.6	36.5%
Women	760182	22.1	1110236	23.3	46.0%

Source: INEI. National Census 1993.

Family legislation

478. The Civil Code regulates personal relations between spouses in terms of the rights and duties deriving from matrimony, the property regime, the relaxation and dissolution of the bond and the parental-filial union.

Personal relations between spouses

479. In this connection, the Civil Code states that in the act of marriage, the spouses jointly assume the responsibility for supporting and educating their children (article 287).

480. It also states that both spouses have the right and the duty to participate in the management of the household and to cooperate in ensuring the best possible functioning thereof. Both are competent to fix and transfer the conjugal domicile and to decide matters relating to the household economy (article 287).

481. In the event that one of the spouses devotes himself or herself exclusively to household tasks and child care, the obligation to support the family falls upon the other, without prejudice to the assistance and collaboration to be provided to one another by the spouses in these areas (article 291, para.1).

482. The spouses are jointly responsible for the legal representation of the conjugal union. Either spouse may authorize the other to assume total or partial responsibility for such representation.

483. The conjugal union may be represented by either of the spouses, interchangeably, in respect of the everyday needs of the household and acts of administration and preservation (Article 292 CC).

484. Each of the spouses may, with the express or tacit consent of the other spouse, exercise any profession and work outside the home (Article 292 CC).

Property regime

485. In respect of property regime, article 300 of the Civil Code provides that irrespective of the regime being used, both spouses are obliged to contribute to the maintenance of the household according to their respective abilities and income. Where necessary, a judge shall determine the contribution to be made by each.

486. Each spouse retains the right to administer his or her personal property and to dispose of or encumber it (Article 303 CC).

487. If one of the spouses fails to contribute earnings on his or her personal property to the maintenance of the household, the other spouse may request that such earnings, in full or in part, be placed under his or her management (Article 305 CC).

488. Both spouses are responsible for the administration of joint property. Either of the spouses may authorize the other to assume total or partial responsibility for such administration (Article 313 CC).

489. In order to dispose of or encumber joint property, the involvement of both husband and wife is indispensable, but this is not required for such acquisitions of immovable property as may be carried out by one of the spouses individually (Article 315 CC).

Dissolution of the bond of marriage

490. The Code also regulates divorces, which dissolves the bond of marriage based on a series of procedural grounds outlined in the law (Article 348 CC).

Paternal-filial union (parental authority)

491. Parental authority is exercised jointly by the parents. Any disageements are to be resolved by the children's and adolescents' judge (Article 419 CC).

Alimentary pensions

492. Alimentary pensions are payable reciprocally:

1. By spouses;
2. By progenitors and descendants;
3. By brothers and sisters.

Adoption

493. In the event of adoption, guardianship or curatorship (covered and regulated by our legislation), men and women have equal rights and responsibilities, with the interests of the children being paramount. In this connection, article VIII of the Code of Children and Adolescents states: "For any steps relating to children and adolescents taken by the State through the Executive, Legislative or Judicial Branches, the Public Prosecutor, regional governments, local governments and other government institutions, as well as for steps taken by society, the best interests of the child or adolescent and respect for their rights shall be taken into account".

Right to a name

494. The Civil Code regulates matters relating to the right of children of married couples to a name, stipulating that the first surname shall be that of the father and the second, that of the mother.

495. For children born out of wedlock, article 21 states that the surname of the progenitor who has recognized them shall be given. If a child is recognized by both progenitors, it bears the name of both. The same regulation applies in the event of filiation by judicial declaration.

496. The Civil Code also regulates matters relating to the right of a woman to append her husband's surname to her own and to continue to use it until she remarries. It indicates that this right ceases to apply in the event of divorce or nullification of the marriage. In the event of separation, a woman retains her right to use her husband's surname (article 24).

Rights of women in cohabitation, including their rights upon the death of a companion

497. These are covered by the nation's substantive regulations (Civil Code), article 326 of which provides that "A de facto union voluntarily entered into and maintained between a man and a woman free of matrimonial ties in order to accomplish purposes and fulfil duties similar to those of matrimony shall create a society of property subject to the joint acquisitions regime, where applicable, whenever such union has lasted for at least two successive years". Should the de facto union be terminated by unilateral decision, a judge may, at the request of the abandoned spouse, establish a sum of money in the form of indemnification or alimentary pension. Article 826 of the Civil Code further provides that if a person dies within 30 days of the marriage ceremony, there shall be no succession in respect of the widow or widower, unless the ceremony was to regularize a de facto union.

PERPETUATION OF THE PRACTICE OF BETROTHAL

498. Betrothal is the mutual commitment to matrimony of persons of different sexes. Article 240 of the Civil Code in force indicates that should the commitment be broken through the fault of a betrothed person, thereby causing damage to the other betrothed person or to a third party, the first betrothed person is obliged to pay compensation.

MINIMUM AGE FOR CONTRACTING MARRIAGE

499. In this connection, article 46 of the Civil Code states that the incapacity of a person over 16 years of age ceases upon marriage or the acquisition of an official document authorizing such person to exercise a profession or office. Incapacity also ceases upon marriage for women over 14 years of age. The legal capacity acquired through marriage does not end with the dissolution of the marriage.

WOMEN'S RIGHT TO REMARRY

500. In this respect, article 433 of the Civil Code indicates that the father or mother of any person wishing to remarry must, before such marriage occurs, request a judge to convene a family council for the purpose of deciding whether the family should continue to administer the property of children of a previous marriage. Should the decision be in the affirmative, the new spouses are to be jointly responsible. Should the decision be in the negative, or should the father or mother decline to administer the children's property, the family council appoints a curator. Similarly, article 434 of the Civil Code indicates that the parents of children born out of wedlock remain subject to the provisions of article 433.